

“Our policies guide us
to do the right thing.”

Mark Cutifani
Chief Executive



GROUP WHISTLEBLOWING POLICY

v.1

Valid from: 15/05/2019

Next review: 11/09/2021

Policy owner: Group Director - Finance

Context:

This Policy governs how the “YourVoice” programme is managed, as well as setting out the core operating principles that support its operation. This includes how users of the service will be safeguarded against retaliation and their anonymity fully protected.

YourVoice is a fully confidential service through which concerns about potentially unethical, unlawful or unsafe conduct and practices can be reported and investigated. It is independently managed on our behalf by an external service provider (Service Provider).

As a means of reinforcing Anglo American’s values, YourVoice serves to build employee, customer, supplier and stakeholder trust through being an important means by which we can identify and eliminate unethical practices.

Does this apply to me?

This Policy is applicable to Anglo American plc and all of its managed operations.

The YourVoice programme is available to all employees (including contractors), customers, suppliers and other stakeholders of Anglo American.

This is a Group Policy that applies to Anglo American globally, unless any aspect of the Policy is expressly limited by location, or is not permitted by local law or regulation.

If you intend to use YourVoice to report concerns relating to the conduct of individuals employed by or contracted to an Anglo American Group company in **Belgium, France or Germany**, Appendix B of this Policy sets out additional requirements that apply specifically to you. Where there is a conflict between Appendix B and what is set out below, you must adhere to the requirements in Appendix B. Please read Appendix B carefully. Note the YourVoice programme and the terms of this Policy do not form part of and are not incorporated into any contract you may have with your employer.

What do I need to know?

Scope of reportable issues

Conduct which is contrary to our values and Code of Conduct includes:

- Actions that may result in danger to the health and/or safety of people or damage to the environment.
- Criminal offences, including fraud, bribery, corruption and money laundering, and any violation of human rights.
- Conflicts of interest.
- Anti-competitive behaviour.

- Failure to comply with any legal obligation.
- Misuse of company assets, including unethical practice in accounting, internal accounting controls, financial reporting and auditing matters.
- Breaches of Policies and Procedures that underpin the Code of Conduct.
- Any other legal or ethical concern.
- Concealment of any of the above.

When should YourVoice be used?

If you see an individual act or behave in a way which you think is a breach of our Code, or might be illegal or unethical, you have a responsibility to bring this to the attention of Anglo American. This takes courage, but it demonstrates our unwavering commitment to do what is right.

This can be done in a variety of ways:

- Your line manager should always be available to you as a point of contact to hear your concern.
- If you feel that you cannot talk to your line manager, then you should try to speak to another line manager.
- If you cannot speak to any line managers, then you can try to speak to someone who works in a supporting function, such as Safety and Sustainability, Group Legal, Human Resources or the Ethical Business Conduct team.
- If you cannot, or do not feel able to, speak to any of the above, then you can contact YourVoice.

YourVoice is available to employees, contractors, suppliers and broader stakeholders. It is available every day of the week at any time, day or night. YourVoice can take calls in many languages and can be contacted directly from most locations.

How to use the YourVoice programme

A participant can contact YourVoice in any of the following ways:

- www.yourvoice.angloamerican.com and/or www.yourvoice.debeersgroup.com
- By calling YourVoice helpline (24 hour service). You will find the local country numbers in the abovementioned YourVoice website or on the Anglo American or De Beers internet/intranet sites.

More information about how to use the YourVoice service is available on the above mentioned websites.

What happens to my report?

Step 1:

You contact YourVoice via the details listed above.

Note: If the report is submitted to a live operator or the website, a reference number will be provided which can be used to request feedback on actions taken. If a voice recording service is used, feedback will only be possible if contact details are provided as part of the message submitted.

Step 2:

Where possible, an ethics consultant from the Service Provider will discuss your concern, in order to obtain as much information as possible. The service supports multiple languages.

Step 3:

If you elect to make a report with partial anonymity, a report analyst from the Service Provider sanitises your report, by removing your name and any contact details that may enable your identity to be disclosed.

Step 4:

The report is passed on by the Service Provider to Anglo American's Business Assurance Services team (ABAS) based in South Africa or the United Kingdom.

Within 14 days from receipt, ABAS provides feedback regarding the report to the Service Provider, who will then ensure that it is stored securely and made available should you request feedback. Feedback may be accessed by phoning or emailing the call centre and quoting the reference number if relevant. If the report was made via the website, it is also possible to access the feedback by logging on using the reference number provided on report submission. Note that feedback will not be possible where you have made a report anonymously.

Whistleblower anonymity

The Service Provider, who is external and independent, has been appointed to receive and analyse all incoming alerts from whistleblowers. The Service Provider will sanitise information received from whistleblowers before submitting it to ABAS. Then independent investigation teams are appointed to examine all reports received by the service and determine whether further action is required. The investigation team can be formed by internal or external professionals, which may include forensic companies, depending on the nature and complexity of the topic.

According to the contractual arrangement in place with the Service Provider, it is incumbent on them fully to protect the identity of the whistleblower, including never revealing the person's identity to Anglo American without that person's consent.

However, we may not be able to investigate anonymous reports fully because of the inability to question the whistleblower, or provide feedback back to them on what has happened to the issue they have raised. Therefore, anonymous reports may not be dealt

with as effectively as direct reports to appropriate company officials. You are encouraged to avoid making anonymous reports where possible.

Whistleblower protection

The protection of whistleblowers is fundamental to the success of the YourVoice programme, as well as being a right afforded by law in some jurisdictions where we operate. No employee who makes a disclosure in good faith, reasonably believing it to be true, will as a consequence of making the disclosure be:

- Subjected to any disciplinary action.
- Dismissed, suspended, demoted, harassed or intimidated.
- Transferred against his or her will.
- Refused transfer or promotion.
- Subjected to a term or condition of employment or retirement which is altered or kept altered to his or her detriment.
- Refused a reference or provided with an adverse reference.
- Denied appointment to any employment, profession or office.
- Threatened with any of the above.
- Otherwise adversely affected in his or her employment, including employment opportunities and work security.

The protection described above only applies if the whistleblower has disclosed his or her identity or the whistleblower's identity has otherwise become known.

The equivalent protection, where relevant, is also extended to any external organisation represented by the whistleblower.

The above protection is not afforded to an individual who has opted to blow the whistle on his or her own irregular conduct.

Where a whistleblower reports false information, knowing it to be false, the above protection will not be available to them, and if they are an employee they may face disciplinary proceedings.

An employee who retaliates against a whistleblower in violation of this Policy will be subject to disciplinary action, up to and including termination of employment.

Your personal information

Anglo American companies are responsible for personal information processed by YourVoice. This includes personal information provided to the Service Provider by a whistleblower.

Personal information is disclosed to ABAS as set out above under '*What happens to my report*', and to Anglo American companies who need access to the information to take action following an investigation.

For more detailed information on how Anglo American uses and discloses personal information, the protections we apply, the legal bases for our use of personal information, and your data protection rights, please see the privacy notice at Appendix A.

What do I need to do?

We earn and maintain the trust of our stakeholders by living our values. Where this is not the case, you are putting at risk yourself, your colleagues, our business and our reputation. YourVoice serves to build employee, supplier and business partner loyalty through identifying and eliminating unethical practices.

Communication

The YourVoice programme will be actively and regularly promoted in the workplace, including specific focus during new employee induction, as part of Safety, Health and Environment (SHE) awareness-raising and general communications related to the Code of Conduct and its constituent Group Policies. Anglo American should endeavour to communicate YourVoice programme also to external stakeholders when considered relevant and appropriate.

Monitoring and reporting:

Monitoring and reporting

All concerns submitted through YourVoice will be rapidly appraised and where necessary appropriately investigated and closed out. Individual feedback on outcomes will be provided where possible.

Trend analysis of reports received through YourVoice and their resolution is conducted on an aggregated, anonymised basis to identify potential recurrent themes or topics of concern. The outputs of this process and general feedback on the programme are reported to the Anglo American plc Audit Committee once per year.

Consequences of breach

Any incident of retaliation against a whistleblower will, if proven, be subject to disciplinary processes up to and including dismissal. Where a breach of legislation is proven in this regard, Anglo American also reserves the right to refer the matter to the relevant authorities for further action.

Deliberate reporting of false information equates to misconduct and is not protected by whistleblower protection.

Further information:

Internal references:

- Anglo American Code of Conduct
- Anglo American Group Data Privacy Policy
- Anglo American Australia Whistleblowing Policy

Appendices

- A. YourVoice Privacy Notice
- B. Specific local provisions

If you need any further information, please refer to the YourVoice website:
www.yourvoice.angloamerican.com

Appendix A: YourVoice Privacy Notice

1. INTRODUCTION

- 1.1 Anglo American plc and our associated companies ("**Company**", "**we**", "**us**" and "**our**") has set up a whistleblowing system and reporting hotline known as "YourVoice". YourVoice is a fully confidential service through which concerns about potentially unethical, unlawful or unsafe conduct and practices can be reported and investigated. It is independently managed on our behalf by an external service provider (Convercent) ("**Service Provider**").
- 1.2 YourVoice is open to all employees (including contractors), customers, suppliers and other stakeholders of the Company and its associated companies.
- 1.3 Should an individual make a report through YourVoice, we will process personal data of that individual and of anyone else who may be named in the report.
- 1.4 If you are an employee of an Anglo American company or are making a report that concerns an employee of an Anglo American company, the data controller of any of your personal data that may be processed in connection with YourVoice are Anglo American Services (UK) Ltd, and the relevant Anglo American employing entity. If you are not employed by Anglo American and you have chosen to make a report using YourVoice, or are the subject of a report made through YourVoice, the data controllers of any of your personal data contained in that report are Anglo American Services (UK) Ltd, and the most appropriate Group entity that is local to the location of the incident being reported.
- 1.5 This Privacy Notice is supplementary to the **External Privacy Notice** which is [available online](#) and the **Employee Privacy Notice** which is available to Anglo American employees through the intranet, which together are referred to as the "Privacy Notices". The content of the Privacy Notices continues to apply to YourVoice, in addition to the information set out below.
- 1.6 The following Privacy Notice describes how and why personal data is processed in connection with YourVoice. It is intended to comply with our obligations to provide individuals with information about the processing of their personal data under privacy laws.
- 1.7 If you have any questions about this Privacy Notice, have any concerns relating to your personal data or would like to access the information it contains in a different format please contact our Data Protection Team at dataprotection@angloamerican.com.

2. WHAT DATA DO WE PROCESS?

- 2.1 If you make a report using the YourVoice system, depending on your location, you may have the opportunity to make the report anonymously. If you do so, none of your personal data will be processed in connection with your report.
- 2.2 If you choose to disclose your identity to the Service Provider, the Service Provider will collect your personal information including name, surname, date of birth, email address, contact number and, if you are an employee of Anglo American, the name of your employer, your employee number, business unit and location. The content of your report will also be processed in connection with your personal information, which may include details of the relevant incident or event you have witnessed / wish to report, and details of any personal opinion or expressions you wish to make in connection with the incident.
- 2.3 If a report is made about your alleged conduct or involvement in a particular event or practice, the Service Provider will in general collect your name, surname, alias or nickname, gender, and (where applicable) employee number, title, company, division, and contact information. The Service Provider will also collect information about the allegation that is reported, including the nature of the allegation. This may include information about alleged or proven criminal offences, which the Service Provider processes on our behalf where permitted by law.
- 2.4 Notwithstanding the basis on which the report is made, all personal data provided through the YourVoice system will be managed confidentially by the Company. The Company recognises that an individual may not wish to be identified during the course of raising a concern. In such circumstances, the Company will do everything possible to protect the person's identity and will not disclose it without their consent. If it proves impossible to resolve the matter without revealing the individual's identity, the investigation team dealing with the matter will discuss with them whether and how to proceed. In some cases, however, confidentiality cannot be absolutely guaranteed as the very fact of the investigation may serve to reveal the source of the information, the statement of the person raising the concern may be needed as part of evidence against the perpetrator, or legal proceedings at a later stage may require the individual to appear as a witness.

3. HOW DOES THE COMPANY COLLECT DATA?

- 3.1 Any personal data processed in connection with the YourVoice system will be reported to us, whether by you or by a third party reporter. Furthermore, additional personal data may be generated and processed through the course of any investigation into the report.
- 3.2 Details regarding how you or any third party can make a report are contained in the Group Whistleblowing Policy.

4. WHAT ARE THE PURPOSES FOR WHICH DATA IS PROCESSED AND WHAT IS OUR LEGAL BASIS FOR CARRYING OUT THE PROCESSING?

- 4.1 Where we process personal information in connection with YourVoice, the overarching purpose is to facilitate the raising of concerns about conduct contrary to our Values and Code of Conduct, the investigation of those concerns, and (where the concerns are found to be valid) taking appropriate action to address them, and prevent similar concerns from arising in the future.
- 4.2 This involves processing personal information to:
- 4.2.1 receive, discuss and (where applicable) sanitise the report;
 - 4.2.2 request additional information to substantiate the report;
 - 4.2.3 collate information received in reports and make that information available to designated contact persons in Anglo American's Business Assurance Services team (ABAS) for investigation;
 - 4.2.4 investigate the alleged conduct; and
 - 4.2.5 provide feedback to the Service Provider and to the individual making a report (where relevant), and make recommendations to Anglo American companies.
- 4.3 As set out in the Privacy Notices, data protection laws require a valid legal ground to process personal information. We process the information where necessary to:
- 4.3.1 comply with our legal or regulatory obligations (for example, in the European Economic Area (EEA), laws relating to the combating of bribery, and other laws that require us to operate whistleblowing hotlines), pursuant to **GDPR Article 6(1)(c) - legal obligation**;
 - 4.3.2 meet our legitimate interests (see a description of these interests below), provided the processing does not unduly affect your interests or fundamental rights and freedoms, pursuant to **GDPR Article 6(1)(f) - legitimate interests**; or
 - 4.3.3 protect the vital interests of the relevant individual or of another natural person, pursuant to **GDPR Article 9(2)(c) - vital interests**.
- 4.4 The legitimate interests referred to above include our interests in:
- 4.4.1 protecting against conduct which is contrary to our values and Code of Conduct, acting ethically and responsibly as a business, complying with laws, and protecting the health and safety of our employees;
 - 4.4.2 using a centralised team to investigate reports on behalf of all Anglo American entities, for impartiality and efficiency reasons; and
 - 4.4.3 exercising our rights under Articles 16 and 17 of the Charter of Fundamental Rights, including our freedom to conduct a business and right to property.

- 4.5 Special categories of personal data will only be processed where authorised by applicable laws. For example:
- 4.5.1 If the allegation made through YourVoice relates to discrimination in the workplace, we will process relevant special categories of personal data on the basis of carrying out obligations and exercising specific rights in the field of employment and social security and social protection law (pursuant to **GDPR Article 9(2)(b) – employment and social security and social protection law**) and applicable laws; and
 - 4.5.2 If the allegation made through YourVoice relates to other allegations of discrimination, we will process relevant special categories of personal data on the basis of substantial public interest (pursuant to **GDPR Article 9(2)(g) – substantial public interest**) and applicable laws. For example, in the United Kingdom, we will process special categories of personal data relating to equality of opportunity or treatment, pursuant to paragraph 8 of Schedule 1 of the Data Protection Act 2018.
- 4.6 Personal data relating to criminal convictions and offences will only be processed where authorised by applicable laws. For example:
- 4.6.1 If the allegation made through the YourVoice system could amount to an allegation of criminal activity, we will process that personal data on the basis of substantial public interest (pursuant to **GDPR Article 9(2)(g) – substantial public interest**) and applicable laws. For example, in the United Kingdom, we will process that personal data in order to prevent or detect unlawful acts, pursuant to paragraph 10 of Schedule 1 of the Data Protection Act 2018.

5. RETENTION OF PERSONAL DATA

- 5.1 Personal data is retained for as long as it is required to satisfy the purpose for which it was collected.
- 5.2 The Service Provider will retain reports for as long as is appropriate to investigate the matter and (where relevant) to complete actions relating to the outcome of any investigation, in both cases in accordance with applicable law and to comply with legal, regulatory or internal policy requirements.
- 5.3 In general, reports are retained in a secure and limited-access database in order for the Company to retain an ability to respond to future legal claims in respect of associated actions. The Company endeavours to ensure that personal data are kept as current as possible and that irrelevant or excessive data are deleted or made anonymous as soon as reasonably practicable.
- 5.4 Please note that some data may need to be kept for longer periods, pursuant to the Privacy Notice. In particular, we may keep some specific types of data for different periods of time, as required by applicable law or in order to comply with legal and regulatory obligations and for other legitimate business reasons.

6. DISCLOSURES OF PERSONAL DATA

- 6.1 Your personal data can be accessed by or may be disclosed on a need-to-know basis to:
- 6.1.1 The specific investigations teams working on individual cases (including those set out below), relevant members of HR (where the investigation is HR related), relevant Heads of Risk and Assurance, and the members of the YourVoice Oversight Committee;
 - 6.1.2 the Service Provider, who receives the information submitted as part of a report, and receives feedback from Anglo American companies on the report;
 - 6.1.3 designated contact persons in ABAS who receive information from the Service Provider;
 - 6.1.4 internal and external professionals, which may include forensic companies, who assist the ABAS team with their investigation;
 - 6.1.5 Anglo American companies who have a need to access information in a report, for example, if the ABAS investigation recommends action against an employee the investigation report will be provided to the relevant employer at Anglo American, including the line manager and relevant member of the HR team;
 - 6.1.6 third parties who provide services to Anglo American and the Service Provider, such as IT systems providers or hosting providers; and
 - 6.1.7 courts, public bodies, law enforcement agents and litigants where laws require us to make a disclosure, such as where a report is found to be false, unsubstantiated and made maliciously, and the accused person seeks that disclosure as part of an action for libel or defamation.
- 6.2 The Company expects any third parties to process any data disclosed to them in accordance with applicable law, including with respect to data confidentiality and security. In particular, our contract with the Service Provider requires it to protect personal information, including withholding whistleblowers' identities where an anonymous report is made. In addition, the other service providers described above have entered into contracts with us which include terms to protect personal information.
- 6.3 Where these third parties act as a "data processor" they carry out their tasks on our behalf and upon our instructions for the above mentioned purposes. In this case, your personal data will only be disclosed to these parties to the extent necessary to provide the required services.
- 6.4 In addition, we may share personal data with national authorities in order to comply with a legal obligation to which we are subject. This is for example the case in the framework of imminent or pending legal proceedings or a statutory audit.

7. INTERNATIONAL TRANSFER OF PERSONAL DATA

- 7.1 The Service Provider and its call centre is based in the USA, although the data will be hosted within the EEA. As a result, Anglo American companies in the EEA may transfer personal information outside of the EEA to the USA, if the whistleblowing report is made by phone, and in the event that the Service Provider's USA team accesses the data through system maintenance.
- 7.2 Further, Anglo American companies in the EEA also transfer personal information to other Anglo American companies based outside the EEA, such as when the investigation is conducted by the ABAS team local to the alleged conduct.
- 7.3 In each case, personal information is protected by entering into a data transfer agreement with the recipient, based on standard contractual clauses approved by the European Commission.
- 7.4 You have a right to request a copy of any data transfer agreement under which your personal data is transferred, or to otherwise have access to the safeguards used. Any data transfer agreement made available to you may be redacted for reasons of commercial sensitivity. To request sight of these contact dataprotection@angloamerican.com.

8. NOTICE OF CHANGES

- 8.1 The Company may change or update this Privacy Notice at any time.
- 8.2 Should we change our approach to data protection, you will be informed of these changes or made aware that we have updated the Privacy Notices or this Privacy Notice so that you know which information we process and how we use this information.
- 8.3 This Privacy Notice was last updated and reviewed in May 2019.

Appendix B: Specific local provisions

1. Belgium

If you intend to use YourVoice to report concerns relating to the conduct of individuals employed by or contracted to an Anglo American Group company in Belgium, the following additional provisions apply to your participation in the YourVoice programme:

- You may only use YourVoice if you are an employee of the Anglo American company in Belgium.
- Your use of YourVoice is not compulsory (in other words, you may use YourVoice to report issues, but it is not your responsibility to do so).
- You may only make a report if the issue is sufficiently important to the common interest or the sound structure of the organisation.
- You may only report on facts rather than mere rumour.
- In general, you may not make partially anonymous reports (you may be asked to justify why you think an anonymous or partially anonymous report is appropriate, bearing in mind that YourVoice is designed to keep your information – including your identity - confidential).
- Your personal information will only be transferred to other Anglo American companies (for them to take action following an investigation) in exceptional cases, such as where the reported issue impacts the Anglo American Group as a whole.

2. France

If you intend to use YourVoice to report concerns relating to the conduct of individuals employed by or contracted to an Anglo American company in France, the following additional provisions apply to your participation in the YourVoice programme:

- You may only use YourVoice if you are an employee of or contracted to, or a supplier to, the Anglo American group company in France.
- You may only report the following issues using YourVoice:
 - Actions that may result in danger to the health and/or safety of people or damage to the environment.
 - Criminal offences, including fraud, bribery, corruption and money laundering, and any violation of human rights (e.g. abuse of foreign production conditions based on child labour).
 - Conflicts of interest.
 - Anti-competitive behaviour.
 - Failure to comply with any legal obligation.
 - Misuse of company assets, including unlawful practice (not merely unethical practice) in accounting, internal accounting controls, financial reporting and auditing matters.
 - Breaches of Policies and Procedures that underpin the Code of Conduct.

- Any other legal concern.
 - Concealment of any of the above.
- You have the right to provide guidelines in relation to how Anglo American will use your personal data after your death.

3. Germany

If you intend to use YourVoice to report concerns relating to the conduct of individuals employed by or contracted to an Anglo American company in Germany, note that your use of YourVoice is not compulsory (in other words, you may use YourVoice to report issues, but it is not your responsibility to do so).

Revision history

Policy governance commitment:

Approval date by PGC:	17 August 2018
Approval by CorpCo:	11 September 2018

Document Control

Frequency of Policy review after date of issue:	Every 3 years
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If this Policy has one or more approved waivers in place:

No.	N/A
Waiver applies to	N/A
Waiver in place from	N/A
Expiration of waiver	N/A
Date waiver approved	N/A

The following changes have been made since this document was previously issued:

Old Policy name, date and version number:	Business Integrity Policy and Performance Standards (March 2018)
Main changes made:	<p>Replaced Speak Up with YourVoice as the name of the Whistleblowing service and update associated content.</p> <p>Additionally Appendix A “Privacy Notice” updated.</p>