

# COLLECTION AND PROCESSING OF ETHICAL COMPLAINTS

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December 2020

This Rule defines the system for the collection and processing of ethical complaints transmitted to Total's Ethics Committee (the «System»).

The beneficiaries of the System can make ethical complaints either in the general interest, or due to individual grievances. Complaints are expressed in good faith by the author and within a protective framework.

## 1- Purpose

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As part of its risk prevention and transparency policy, the Total Group (hereafter “Total”) has set up a system for the collection and processing of ethical complaints received from its stakeholders. The purpose of this system is to encourage everyone to report situations and behaviors that are contrary to Total’s Code of Conduct.

This Rule defines the system for the collection and processing of ethical complaints transmitted to Total’s Ethics Committee (the “System”). The President of the Ethics Committee is the reference point for the System.

## 2- Reference documents and laws

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The main reference document is Total’s **Code of Conduct**. With respect to subject of the ethical complaints and/or their country of origin, the applicable local laws are obeyed.

Refer also to CR-GR-CPL-007 Integrity alert procedure.

## 3- Beneficiaries of the System

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The System is open to all Group employees and to external stakeholders, including individuals and legal entities (external collaborators, service providers, partners, etc.).

Beneficiaries may choose not to reveal their identity and to make an ethical complaint anonymously, provided that this does not prevent processing of the complaint (see point 6).

This Group rule applies to all Complaints sent to the Ethics Committee, either directly or sent by the management or by a member of the country Ethics Officers network (see the diagram in Annex 1).

## 4- The subject of the ethical complaint

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The beneficiaries of the System can make ethical complaints either in the general interest, or due to individual grievances, as defined below (hereafter collectively referred to as “Complaints”).

**4.1** Within the framework of this procedure, Complaints in the general interest are defined as:

Complaints that reveal, in good faith, an event of which the author is personally aware. This event may pertain to the following subjects:

- crimes or offenses;
- a serious and manifest breach of an international commitment, duly ratified or approved by France, of a unilateral action of an international organization adopted on the basis of such a commitment, law or regulations;
- a serious threat or prejudice to the general interest;
- serious abuse or a risk of serious abuse of human rights and fundamental freedoms;
- serious damage or a risk of serious damage to the health or safety of persons, or to the environment.

Authors making a Complaint in the general interest are considered to be acting in good faith when they report information and/or facts that they reasonably assume to be true, even if it subsequently transpires that they were not.

In particular, lack of personal interest may be an indicator of the good faith of the authors making a Complaint in the general interest, for example the absence of any personal profit resulting from the Complaint, or more broadly, the absence of any personal benefit, advantage or vengeance that could result from their Complaint, which is intended to protect the general interest.

**4.2** Within the framework of this procedure, **individual grievances** are defined as: Complaints made **in good faith** concerning a behavior **contrary to Total's Code of Conduct** and that **directly impacts the author** of the Complaint.

Authors expressing individual grievances are presumed to be acting in **good faith** when they report facts enabling them reasonably to believe that the reported information is true, even if it subsequently transpires that it was a mistake.

## 5- Transmission of the complaint

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**5.1.** Complaints can be made by several channels. The Group invites the authors to make their Complaint using the most appropriate channel, either to their management, HR manager, the local Compliance Officer<sup>1</sup> or their country Ethics Officer. The authors can also contact the Ethics Committee, preferably in writing. It is recommended that individual grievances are processed locally.

The Ethics Officers and Total Managers must escalate all Complaints in the general interest (point 4.1) as quickly as possible to the Ethics Committee and inform the authors accordingly. The Ethics Committee decides on how such Complaints will be treated.

For direct contact with the Ethics Committee the main channel is the e-mail address: [ethics@total.com](mailto:ethics@total.com) However, Complaint can also be sent by post<sup>2</sup> to the President of the Ethics Committee.

**5.2.** For Complaints, both general interest and grievances, authors raising their concern should describe the situation of which they are **personally aware** as objectively and in as much detail as possible.

For the Ethics Committee to process the Complaint efficiently, the authors should describe as precisely as possible:

- When and how they were made aware of the reported situation;
- When available, the facts, information or documents, irrespective of their form or medium, that support the Complaint;
- The means to enabling exchanges with the Ethics Committee, where appropriate;
- Where relevant, any possible impacts that the Complaint could have.

No Complaint made as part of the System can refer to confidential matters of national security, confidential medical information or confidential relations between lawyers and their clients.

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<sup>1</sup> The local Compliance Officer will process the Complaint in accordance with the Group rule on the «Integrity alert procedure», when the Complaint falls within this scope.

<sup>2</sup> Ethics Committee - Total SE - 2 place Jean Millier - La Défense 6 - 92400 Courbevoie - France

## 6- Processing of the Complaint

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**6.1** As soon as the Ethics Committee receives a Complaint, it informs the author, unless he/she cannot be contacted, of the modalities concerning the treatment of his/her personal data and of the means to exercise his/her rights over these data.

**6.2** Every Complaint must pass an admissibility test. This test is a verification whether it meets the definition of a Complaint as per this procedure. The author of the Complaint may be asked to provide additional information during this phase.

If, even before the end of its investigations, the Ethics Committee believes that the author of the Complaint needs protection, because there are reasons to think that his/her safety or health may be in danger, measures are taken to protect the author as soon as possible, in order to avoid exposure to a potential risk.

Complaints that are already the subject of legal proceedings are not admitted within the context of this System.

Anonymous Complaints are admissible, provided they relate to one of the subjects mentioned in point 4, and they contain facts/information that are sufficiently serious and detailed enough to launch an investigation. Where appropriate and possible, the author of the Complaint will be contacted. If information missing to pursue the investigation cannot be retrieved, the Complaint will be considered inadmissible and will be closed.

If the Complaint is not admissible, it is closed, and its author is informed in writing within 20 working days. This period may be extended if translation or a more in-depth preliminary analysis is necessary.

All the Complaints considered admissible under the terms of this System (the "Complaints") become the subject of a more in-depth investigation by the Ethics Committee or by persons mandated by the Committee in accordance with point 7 "Confidentiality" below.

**6.3** When the Complaint pertains to fraud, corruption or influence peddling, the case is transferred to the Branch Compliance Officer by the Ethics Committee, and the CCO (Chief Compliance Officer) is informed. Nevertheless, the Ethics Committee keeps track of the case and informs the author.

**6.4** As soon as the Complaint is considered admissible, the Ethics Committee informs the person(s) who are the subject of the Complaint of the:

- nature of the Complaint in question;
- purpose of the processing of the personal data;
- identity of the investigator;
- means of exercising their rights over their own data (point 8).

In case provisional measures are required to prevent evidence from being destroyed, or a pre-investigation is necessary, or if measures are required to protect the author of the Complaint, this notification will be given after any such measures have been taken.

**6.5** In the processing phase, the author may ask to be represented or assisted by a third party, provided that the said party first signs a strict confidentiality and non-disclosure agreement.

**6.6** The author and the person(s) against whom the Complaint is made are informed when the investigation is closed. As far as possible, they are also informed of the conclusions of the investigation. Compliance with legal obligations, the need for confidentiality or protection of individuals

may sometimes prevent precise details of the Complaint, its processing or the measures taken, from being revealed.

## 7- Confidentiality

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On receipt of the Complaint, the Ethics Committee invites the author(s) to disclose their identity in order to facilitate the investigation. The Ethics Committee agrees to respect the confidential nature of the data and to refrain from revealing the identity of the author(s) without their consent. If the wish of the author(s) to remain anonymous or to keep their identity or information that may identify them confidential, prevents the investigation from proceeding, then they will be informed accordingly.

The Ethics Committee agrees to refrain from disclosing the identity of the author to any persons, other than those who need this information to investigate the case, and with the express consent of the author.

All the persons involved in or consulted as part of the processing of a Complaint personally agree to honor a strict confidentiality agreement (see annex 2).

If requested by the legal authorities, Total may disclose the identity of the author of a Complaint according to the conditions of the applicable law.

Subject to the applicable legislation, the content of the Complaint will be destroyed or archived at latest 2 months following the closure of the processing of the Complaint or if the Complaint is not admissible. Personal data in Complaints of general interest will be anonymized prior to archiving where the author or/and the party being the subject of the Complaint are physical persons. If the Complaint results in disciplinary or legal proceedings, the content of the Complaint will be kept until the authorities close the case, and then archived in accordance with Total's Document Retention Policy.

The conservation of the files pertaining to fraud, corruption and influence peddling processed by the Branch Compliance Officer (point 6.3), will be taken care of by the Branch Compliance Officer according to the conditions set forth in the Group rule on the "Collection of Integrity Alerts".

All the Complaint files received by the Ethics Committee are destroyed no later than 5 years after closure.

## 8- Protection of personal data

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The System requires the Ethics Committee to process personal data in order to fulfill the Group's legal obligations, or because of its legitimate interest in ensuring compliance with its Code of Conduct, in accordance with the laws and regulations applicable to the protection of personal data.

The personal data collected as part of the System are only communicated by the Ethics Committee within the Group, to the people mandated to manage Complaints, and for the sole purpose of their verification and processing.

In this context, The Ethics Committee can also allow access to personal data by some of its service providers, for the sole purpose of participating in the processing of Complaints, according to the instructions given by the Group and in accordance with the applicable rules on the protection of personal data and with the System, in particular regarding confidentiality (point 7).

Before transferring any data outside the European Union, Total commits to take the measures required to control the said transfers and to provide a suitable degree of protection for transferred personal data, in particular by establishing «Blinding Corporate Rules», or by signing standard contractual clauses, approved by the European Commission, with the receiver of the data. The persons concerned can request access to such measures by contacting the Ethics Committee at the address below.

In accordance with the legislation applying to the protection of personal data in the European Union, all persons whose personal data are collected and processed in the context of the System are informed accordingly, subject to any applicable provisional measures (point 6.4), and have the right to access, rectify and remove their data, as well as the right to limit the processing of those data. They also have the right to oppose the processing of their data for reasons related to their specific situation, and provided that the processing is not subject to a legal obligation. These rights are exercised by applying directly to the Ethics Committee (point 6).

If the persons concerned consider, after having contacted Total, that their rights over their personal data are not respected, they can send a complaint to the competent data protection authority.

## 9- Protection of authors and processors of Complaints

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No person, or persons or legal entities connected with them shall be subject to reprisals for having made a Complaint in good faith or for taking part in its processing. Anyone who considers they have been subject to reprisals for having made a Complaint or taking part in its processing as part of this System can inform the Ethics Committee accordingly.

## 10- Sanctions

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Any abuse of the System may result in the application of sanctions or legal action by Total. The following acts can give rise to a sanction, including terminating the employment contract, and/or seeking compensation, depending on the case:

- Making a slanderous Complaint or a Complaint in bad faith, or with the intention to cause harm;
- Make a report in breach of confidential matters of national security, confidential medical information or confidential relations between lawyers and their clients;
- Acting, or failing to take action, in order to obstruct a Complaint or its processing;
- Breaching the strict obligation of confidentiality regarding the reception or processing of a Complaint;
- Making reprisals or threatening to make reprisals against an author or a person taking part in the processing of a Complaint, or their relatives.

The use of the System is not compulsory, as per the French law n°2016-1691 of December 9, 2016, known as Sapin II. Employees cannot be disciplined for not having used the System.

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<sup>3</sup> Ethics Committee -Total SE - 2 place Jean Millier - La Défense 6 - 92400 Courbevoie - France

<sup>4</sup> Ethics Committee e-mail address: [ethics@total.com](mailto:ethics@total.com)

## 11- List of annexes

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Annex 1 : Diagram of the System

Annex 2 : Confidentiality undertaking

## 12- Distribution an effective date

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The effective date of publication in our internal referential «REFLEX» is December 10, 2020. This reference basis is accessible through our intranet website.

This document is also published on the internet website: [www.total.com](http://www.total.com).

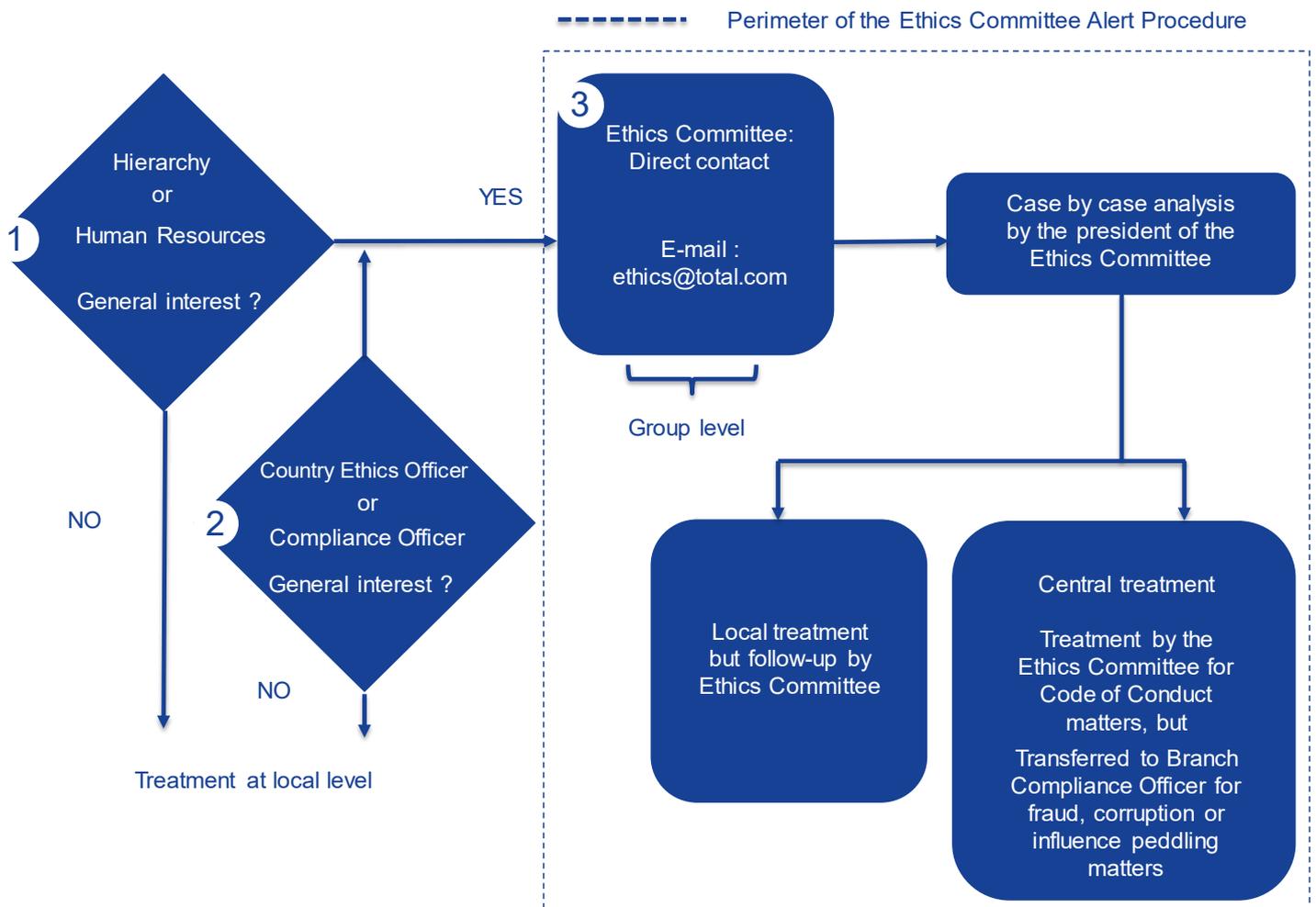
# ANNEXE 1

## Diagram of the System

### COLLECTION AND PROCESSING OF ETHICAL COMPLAINTS BY THE ETHICS COMMITTEE

- System accessible to all stakeholders of the Group
- The authors of complaints can address their concerns at different levels of the organization
- Regardless of the entree point, the Ethics Committee decides always how a complaint of general interest will be treated.

#### An author of a Complaint or a question



## ANNEX 2

### Confidentiality undertaking

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**In favor of**

Total SE  
Represented by the President of the Ethics Committee  
.....

**By**

Full name: .....

I acknowledge that as a participant to the investigation of ethics complaint [reference of the case] I may have access to information which, if disclosed, could allow the person(s) raising the complaint or who are the object of the complaint to be identified, that such information is considered as confidential and I undertake to treat it as such, to keep it confidential and not to use it for any purpose other than investigation of the complaint.

I further undertake to inform the President of the Ethics Committee of any and all conflict of interest that may arise during the treatment of the complaint.

Signed in two originals (one for the President of the Ethics Committee)

Signature:.....  
Name:.....  
Date:.....

Receipt acknowledged by President of the Ethics Committee  
Signature:.....  
Date:.....