

# **COMPETITIVE INTELLIGENCE POLICY**

## **Policy for Gathering Competitive, Business, Manufacturing and Technical Information**

Good business practice dictates that companies be knowledgeable about the activities of the companies or businesses with whom they compete, with whom they intend to compete or conduct business, or whom they may wish to acquire.

This information must be gathered without violating (1) competition laws, (2) other laws that protect proprietary information, or (3) this Competitive Intelligence Policy (the “Policy”), which reflects the Trinseo Code of Business Conduct. Under no circumstances will Trinseo\* use illegal practices (such as theft, bribery, misrepresentation, or espionage through electronic devices) or unethical business means to obtain competitive information.

### **Scope**

These Guidelines were developed by Trinseo to assist in conducting Trinseo’s business around the world, and define appropriate conduct for employees who collect or use competitive intelligence on behalf of Trinseo. However, since they do not cover every situation and since laws will vary by jurisdiction, consult an appropriate member of the Legal Department or the Chief Compliance Officer if you have any questions.

### **Employee Responsibility**

Any Trinseo employee who desires or commissions the gathering of competitive information is responsible for seeing that it is gathered within the framework of this Policy. You are also responsible for contacting your global functional or business leader, an appropriate member of the Legal Department or the Chief Compliance Officer if you have any questions or if you know of any violation of the Policy.

### **Basic Principles and Recommended Behavior**

#### **Competitive Information**

Competitive information may be defined as “commercially useful ideas or facts,” i.e., any data or plans that relate to the conduct of a business. Information may be technical in nature (process, design, formula or method of manufacture, etc.) or relate to business

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\* Throughout this document, “Trinseo” or the “Company” refers to Trinseo and the affiliated companies to Trinseo.

activities (names of customers, capital plans, marketing plans, financial data, etc.). Trinseo considers such information about Trinseo, itself, confidential. Therefore, we recognize that other companies will also consider their technical and business information to be confidential.

## **Basic Principles**

- **Right to Protect Proprietary Information** – Trinseo respects the right of a competitor to have its proprietary information protected from disclosure and will not violate such rights in seeking competitive information. However, rights in confidential information are lost when its secrecy is waived by publication, either directly by a company or by its employees or agents acting on its behalf. Court decisions and laws conflict and are not clear as to what constitutes waiver by publication. Therefore, it is impossible to provide rigid guidelines on what constitutes a waiver and efforts to obtain information on this basis must be reviewed on a case-by-case basis.
- **Information Gathering Methods** – The gathering of competitive information must comply with applicable laws; Trinseo will not use illegal or unethical means of gathering competitive information. Always be careful when contacting a competitor since contacts with competitors involving matters such as pricing, marketing strategies, customers, markets, costs or future manufacturing plans, can expose Trinseo, and the individual, to liability for violating competition or other business conduct laws. It is Trinseo’s practice to take a conservative approach to such issues.
- **Duty of Investigation** – If competitive information is obtained from someone working with or for the owner and that information would be deemed confidential if it were owned by Trinseo, there is an obligation to establish whether the information was disclosed with or without restriction. Perhaps the best approach to do so is the direct approach: Ask if the information is confidential and if the answer is “no,” take any further steps needed to make sure that is true.
- **Responsibility for Agent’s Actions** – Trinseo’s agents and consultants must observe these guidelines. Trinseo may be held responsible for the behavior of an agent or consultant hired by Trinseo to obtain competitive information unless the agent’s or consultant’s action was unauthorized and unintended by Trinseo. Consulting and agency agreements should include a commitment to adhere to this Policy.
- **Identification** – When seeking information that could be deemed confidential, employees will not hide the fact that they are seeking information on behalf of Trinseo where disclosure of their relationship to Trinseo is a condition or requirement to obtaining the information.
- **Disclosure and Use by Trinseo** – All competitive information gathered for Trinseo is limited to disclosure and use for the benefit of Trinseo and will not be used for

- any personal benefit or disclosed to outsiders or to less-than-wholly owned Trinseo subsidiaries, without at least second-level supervisor approval.
- Public Information – The use of information that has been disclosed to the public cannot be restricted. All information found in generally available publications, in other public communications or in the public view may be freely used and communicated.
- Disclosure to Trinseo – Competitive information disclosed to Trinseo, its affiliates or its agents can be used for the benefit of Trinseo if the information is not subject to restriction of confidentiality and the use of the information does not violate Trinseo compliance with (1) competition law, (2) other business laws or (3) this Policy.
- Government Records – There are laws that require companies to disclose information to various levels of government, e.g., to obtain operating or waste disposal permits. It is the obligation of the owner of the information to assert confidentiality for such information and Trinseo has the right to use information not so protected.
- Reverse Engineering – Information derived by researching back from publicly available or legitimately acquired information, materials or samples can be used and communicated by Trinseo. This includes analyzing and/or dismantling a competitor's product to determine process characteristics if the product is purchased without restrictions on its use. Reverse engineering of software programs requires special procedures and, therefore, should not be attempted except under the control of legal counsel.

*Don't Guess.* If there is any question as to the legality of a particular means being considered to obtain competitive information or the right to use and disclose any information obtained, check with an appropriate member of the Legal Department or the Chief Compliance Officer for advice