

# **Export Control Compliance FAQ's**

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UNLESS EXPRESSLY SPECIFIED, THE FOLLOWING FAQ'S ARE APPLICABLE TO CANDIDATES, NEW HIRES AND EXISTING EMPLOYEES. CONTRACTORS AND RETAIL STORE EMPLOYEES ARE EXCLUDED FROM THIS PROCESS.

## **Requirements**

Q: What is COP's purpose in collecting citizenship data?

A: The purpose is two-fold: 1.) in order for COP to effectively evaluate whether a COP employee would require an export license to continue with his/her current job responsibilities, we must confirm the employee's citizenship(s) so that we can determine if the job responsibilities include interaction with controlled information that would be controlled for the employee's country or countries of citizenship (i.e., determine if a "deemed export" or a deemed re-export issue exists) and 2.) to be prepared to identify employee citizenship information upon request by the U.S. government within a very short time frame.

Prior to the implementation of this process, there was not an effective means of determining COP's "deemed export" license requirements. By demonstrating to the U.S. government that we have such a process in place indicates that we have performed the appropriate due diligence in evaluating "deemed export" risks.

Q: Is there a law or regulation that states that employees must complete the EC verification?

A: Not specifically. The U.S. Department of Commerce regulations which govern dual-use U.S. export controls can be found beginning at [15 CFR Part 734](#) and the U.S. Department of State regulations which govern U.S. defense articles and services can be found beginning at [22 CFR Part 120](#). These regulations outline the requirements for obtaining export licenses, define countries of concern, and address the concept of a "deemed export." An export (transfer) of technology is "deemed" to take place when it is released to a foreign national within the U.S. A deemed re-export is the transfer of U.S. "controlled" technology that occurs with a non-U.S. individual outside of the U.S. In other words, if a license would be required to export an item to a particular country, then to transfer the controlled technology associated with that item to an individual of that country would also be treated as an export and the individual must acquire an export license before the technology could be lawfully shared.

Q: Why is Export Compliance collecting this information instead of HR?

A: HR and Export Compliance are working in partnership on this effort. Export Compliance will be the group responsible for monitoring and making licensing determinations. HR will provide the secure data storage and access control.

Q: The employee has already submitted a birth certificate or other proof of citizenship to meet other requirements (i.e., proof of age, TWIC, etc.). Do they need to provide the document again?

A: Yes. The project team specifically looked at using documents that had been collected previously to meet other requirements to see if there was a mechanism to access those documents for Export Compliance purposes but, unfortunately, they were not able to do so. The documents that have been collected to meet other previous requirements have been imaged into a general benefits documentation folder. There is not an automated process for identifying which employees provided such documentation or which specific document was provided so it would require a manual review of every employee's imaged documents. In addition, for Export Compliance purposes, an employee must disclose all citizenships and provide the necessary documentation for each of those citizenships. The documentation submitted does not have to be a certified copy but must be one of the accepted forms of documentation and the copy must be legible. The employee must also sign the EC Verification form. Due to these requirements, all employees must comply with this new data collection requirement and all will be contacted in the same manner, via E-mail.

Q: I recently completed a Deemed Export License Information Request Form for Export Compliance when I transferred as part of an international assignment. I supplied my passport information then, do I need to do so again?

A: Yes. Although we did obtain your passport as part of the international transfer process, we did not collect all citizenship information. In addition, a requirement of this new process is a completed and signed Export Control Compliance Verification Form from the employee.

Q: I have not heard of other companies asking their employees for this information, why COP?

A: The laws governing U.S. export controls are not new. Many of these laws have been in effect since the '70s but the focus had previously been on only those companies engaged in new and emerging technologies or whose products could impact our nations' security. Since the events of September 11, 2001 in the U.S., there has been a gradual increase in the amount of focus that the U.S. government has placed upon all companies to comply with export control laws. There have been increased penalties and other administrative actions imposed upon companies in the last few years. COP has a robust export compliance program and has taken a proactive approach on this issue.

Q: What are some examples of controlled technology that could require me to have an export license for my position?

A: While it is difficult to provide an exact answer to this question due to the number of factors involved, in general, the following could require an export license:

ConocoPhillips created software which contains encryption  
Any use of a USML controlled infrared camera  
Design of automation equipment  
HF alkylation process  
Large reactor design  
Valve/Pump design  
Turbine design

Examples:

An engineer comes up with a really cool design for a heat exchanger and wants to send the specifications to a vendor for fabrication. The vendor is in California with Chinese nationals working on it. Sending the specifications to this vendor and having the Chinese nationals working on the fabrication may require an export license.

A refinery operator, who was born in Ireland, has requested to be sent to training on an infrared camera used for detecting gas leaks at a COP refinery in the U.S. After the training, he will be responsible for using and maintaining the camera as part of his job responsibilities. Training on the use and/or maintenance of the infrared camera to this individual would most likely require an export license.

### **Notification**

Q: Will all COP employees be included in this collection effort?

A: No, although all COP employees are subject to requirements concerning the control of technology associated with export controlled items, products or software, not all COP employees will be asked to provide their citizenship documentation due to varying data privacy laws in certain countries. The countries in which COP has not collected citizenship information are listed below:

Canada, UK, Norway, Ireland, Netherlands, Germany, Austria and Belgium

An export license may be required for certain employees in these countries who have access to US export controlled technology. The Office of Export Compliance will work with the HR Business Partners, and the OEC designated Single Points of Contact in those countries to determine the need for export licenses, and if employees are required to submit their citizenship documentation if the need arises.

Q: How are employees being notified of this new requirement?

A: Employees (exclusive of Marine Fleet, Contractors and Retail Store employees) receive an E-mail from [Citizenship@ConocoPhillips.com](mailto:Citizenship@ConocoPhillips.com) during the go-live week of their payroll country.

All hourly employees (exclusive of Marine Fleet, Contractors and Retail Store employees) were mailed a notification and the Verification form via U.S. Mail.

Contractors and Retail Store employees are excluded from this requirement for citizenship information.

Q: How are New Hires being notified of this requirement?

A: New hire employees also need to comply with export control compliance and during the hiring process will be asked to complete a verification form and provide documents to HR evidencing all held citizenships. While this process may vary slightly by country, typically this will be handled as part of the pre-employment due diligence process and, in some cases, completed during New Hire Orientation. In addition, New Hire employees are being notified of the requirement in their offer letters. During the New Hire Orientation, the New Hire is required to submit documents to HR evidencing the identified citizenships. HR completes and signs the Export Control Compliance Verification form provided in the New Hire Packet, copies the provided documentation, and mails to Export Compliance via interoffice communications. The forms can also be sent via E-mail to [Citizenship@ConocoPhillips.com](mailto:Citizenship@ConocoPhillips.com). Acceptable documentation has been specifically defined. Export Compliance notifies the employee upon receipt of his/her information.

Q: How are employees out on Short Term Disability or Accident on Duty being notified?

A: Employees that are on leave status will not be solicited but will be contacted by Export Compliance upon their return. If an employee on short term disability or an accident on duty does not respond by the deadline for submission, they will be contacted by Export Compliance to complete the verification.

Q: Why does the employee have to do this?

A: Due to the nature of our products, as well as the third-party products used by our various business units, ConocoPhillips and its employees are subject to the laws and regulations of the U.S. Department of State and the U.S. Department of Commerce. These export controls prohibit the unauthorized transfer of restricted technology to certain persons. The primary purpose of the EC form is to verify the employee's export control status. The Export Compliance group, in order to comply with these legal requirements, must ascertain whether someone who may be given access to controlled technology within a ConocoPhillips work environment is subject to export control restrictions and may need to be granted an export license or other government authorization before being given access to such controlled technology.

## Documentation

Q: What documents are acceptable to prove citizenship?

A: In general, the employee should supply one of the following documents for each citizenship. Note that some countries may provide more specific details on acceptable documents.

- Birth Certificate or Certificate/Report of Birth Abroad
- Passport (unexpired or expired)
- Permanent Resident Card or country specific equivalent
- National or REAL ID (**THESE ARE NOT THE SAME DOCUMENTS AS A STATE ISSUED DRIVER'S LICENSE**)

NOTE: The documentation that an employee must submit does not have to be a certified copy but must be one of the accepted forms of documentation and the copy must be legible. **State issued driver's license and the Social Security cards WILL NOT be accepted.**

Q: Why is the driver's license not an acceptable document?

A: A driver's license provides proof of residency in the state that issues the driver's license; it does not provide proof of citizenship.

Q: Does the proof of citizenship need to be an original or certified copy of an original?

A: No, the documentation submitted does not have to be a certified copy but it must be one of the accepted forms of documentation and the copy must be legible. We ask that existing employees not submit original documents. However, New Hires should bring original documentation with them to their New Hire Orientation so that the document can be copied by the COP Representative responsible for the Orientation.

Q: Why does proof documentation have to be provided?

A: By asking for proof of documentation, COP is demonstrating to the U.S. Government that it has verified the accuracy of the citizenship information that is provided by employees. This is consistent with the Company's requirement that COP employees provide documented proof of their educational background.

Q: What if the documentation I provide has an expiration date?

A: If you are providing a passport that has an expiration date, we do not require that you submit an updated copy. However, if you provide a Permanent Resident Card, a National ID or REAL ID that is expiring, we ask that you log into HR Express and complete a new Verification Form and submit it with the updated documentation to Export Compliance.

Q: What if my citizenship information changes?

A: If your citizenship status changes in any way, we ask that you go to HR Express and complete a new Verification Form and submit it with documentation to Export Compliance in the same manner that you submitted your original documentation. If you are rescinding a citizenship, please contact Export Compliance. They can be reached via E-mail at [Citizenship@ConocoPhillips.com](mailto:Citizenship@ConocoPhillips.com) or at 1-866-933-9637 from within the U.S. or +1 918-661-9013 from outside the U.S.

Q: I am a New Hire and I do not know if I will have the required documents prior to my first day of employment. What do I do?

A: If you are unable to provide one of the accepted documents within three (3) working days after the start of your employment, you must provide a receipt showing that you have submitted an application for the documents within the same three (3) day period. If you do not produce such a receipt, Export Compliance will contact you to discuss your circumstances.

Q: Does the employee need to get a company representative to sign the verification form prior to turning it in (**applicable to current employees only, not new hires**)?

A: No, you do not have a COP representative sign the form. This will be completed once the form and documentation are received by Export Compliance.

Q: If there are questions on how to complete the verification form, whom do we contact for assistance?

A: All questions should be submitted to Export Compliance. They can be reached via E-mail at [Citizenship@ConocoPhillips.com](mailto:Citizenship@ConocoPhillips.com) or at 1-866-933-9637 from within the U.S. or +1 918-661-9013 from outside the U.S.

### **Confidentiality & Access to Information**

Q: I have a friend that was a victim of identity theft, how do I know that my information will be safe?

A: In today's world, identity theft is a very real concern and is an issue that ConocoPhillips takes seriously. Sending your documentation using [Global Scan](#) to [Citizenship@ConocoPhillips.com](mailto:Citizenship@ConocoPhillips.com) is a safe and secure method.

After Export Compliance has entered the data into the SAP system, the documentation is stored in the HR Imaging system. This process is in-line with the way that COP handles other confidential and sensitive data. In the event that Export Compliance needed to access the information submitted, there are approvals that must be obtained before access will be granted. We are confident that COP takes protecting confidential data very seriously and will not allow your information to be used in an inappropriate manner.

Q: Will the information that I submit be kept confidential?

A; Due to stringent confidentiality rules, the information collected will not be made publicly available. All collected information will be entered into a secured system. The status of the data collection or the data collected from employees will not be displayed in Manager Express and will have limited access within the HR organization.

Q: Will a copy of the Export Control Compliance Verification form or documentation be kept in my personnel file?

A: No, the form and documentation will be imaged for Export Compliance records but copies will not be kept in your personnel file.

Q: Who is going to have access to the employee's information?

A: The HR Leveraged Service Center, HR Imaging and Export Compliance are the only departments that have access to individualized information after verification is completed during Orientation. Access to this data is further restricted within these departments. Outside of these departments, individualized information is not available, although reporting may be done on an aggregate level of all employees through the HR Leveraged Service Center for specific reporting purposes. Hiring managers and all other departments within ConocoPhillips will not have access to an individual's citizenship information. An employee can access his/her personal information that is stored in HR Express under My Export Compliance on the lower left side. Any questions regarding access to your data or these requirements can be directed to Export Compliance at [Citizenship@ConocoPhillips.com](mailto:Citizenship@ConocoPhillips.com) or at 1-866-933-9637 from within the U.S. or +1 918-661-9013 from outside the U.S.

Q: Will I receive a confirmation that Export Compliance has received my documentation?

A: Yes, once the verification form has been processed by Export Compliance you will receive an E-mail. This process will take approximately thirty (30) days from the date the employee submits the information. The E-mail will notify the employee that the information is available for viewing in HR Express. We strongly encourage you to review the information in HR Express and to contact Export Compliance should there be any issues with the displayed information.

Q: Will the employee's Export Compliance data be displayed on My Compliance Sign-offs?

A: No, most My Compliance Sign-off entries require employees to comply every year or every other year. Most employees will only have to submit the Export Control Compliance Verification once. Re-verification is only needed when a Permanent

Resident Card, National ID or REAL ID expires or if the employee obtains a new citizenship or changes his/her reported citizenship status.

### **Export License Process**

Q: If an export license is required, how long could the process take?

A: Export Compliance will complete the application as soon as all relevant information is received from the employee and his/her supervisor. When the application is submitted to the appropriate U.S. government agency, the response time varies depending upon the government agency and the complexity of the application. The typical response time could be in the range of six weeks to six months. However, it should be noted that COP's Export Compliance group will work with the applicable government agency to reduce the response time as much as possible.

Q: What happens if the employee is not cleared and an export license is required?

A: In the event that an employee's job responsibilities, current citizenship and/or country of birth trigger the need for an export license, Export Compliance will contact the employee and the employee's supervisor to advise them of the need and request additional information. Export Compliance will then take all steps necessary to obtain the export license on the employee's behalf.

If it is confirmed that an export license is required for an individual, this does not necessarily mean that an individual would not be able to perform any of their job responsibilities. There are steps that can be put in place that would prevent an individual from accessing identified items or technologies until an export license is obtained. Export Compliance can assist HR and the business unit in setting up appropriate permission rights and other preventative measures so that an individual can still perform certain tasks while waiting for an export license to be obtained. It would be an extremely rare case where an individual would not be able to perform any job responsibilities until an export license is obtained.

Q: Does the employee have to supply anything for the export license application?

A: Yes, the employee will be contacted by Export Compliance and asked to complete a form that will ask for a detailed work history and some questions regarding professional memberships and other affiliations of the employee. All the questions asked are specifically referenced in the export license application and are only used for that purpose.

Q: What additional role does the employee's supervisor have in the export licensing process?

A: The involvement of the supervisor in the export licensing process is minimal. The manager is notified of the need for an export license and he/she would be required to

assist in the completion of a standard questionnaire that outlines the specific hardware, software and technology to which the employee has access. In some instances, there may be a need to restrict the employee's access to particular software and/or technology until an export license has been obtained. An E-mail to provide status updates related to the application will be sent to the supervisor on a periodic basis. Once the export license has been obtained, Export Compliance will contact the employee and the supervisor to inform them of the provisions of the license and assist in ensuring compliance with the license requirements. In the event that an export license cannot be obtained for an employee, the employee, supervisor, and HR Legal will be notified.

### **Refusal to Submit Documentation**

Q: What happens if the employee refuses to submit the EC verification form?

A: An employee may elect to not submit citizenship information via the EC verification form. However, it is explained to the employee on the verification form that failure to provide the information may prevent them from remaining in or being placed in a position that requires use or receipt of controlled technology. To exercise this option, the employee should contact Export Compliance. The employee will receive an E-mail from Export Compliance that documents this decision. The employee's non-submission of the verification form will be indicated in HR Express. The E-mail from Export Compliance to the employee will be stored in the HR Imaging System.

### **Technical problems**

See the [Global Scan Quick Reference Guide](#) and [Global Scan FAQs](#) for assistance with electronically sending your documents. If you have technical problems, such as logging into HR Express or using the form, contact the appropriate GIS Service Desk for your region.