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## RESPONSIBLE MINERALS POLICY

In support of global responsible sourcing, Penguin Solutions, Inc. (“Penguin” or the “Company”) is committed to ensuring that conflict minerals (as defined below) used in the manufacture of its products do not directly or indirectly fund violence or human rights abuses in the Democratic Republic of the Congo or adjoining countries. The Company’s Responsible Minerals Policy aligns with our long-standing commitment to uphold and respect human rights for all people, including those who work in our supply chain.

### Background

The United Nations has found that the trade of certain rare earth minerals is helping to finance the civil conflict in the Democratic Republic of the Congo (DRC), characterized by extreme levels of violence. These minerals are tin, tantalum, tungsten, gold, and cobalt.

In recognition of this issue, in July 2010, the U.S. government enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 1502 of the Dodd-Frank Act was intended to provide a means for starving armed groups in the Congo region of funding used to finance the civil conflict described by the United Nations. In August 2012, as required by Section 1502 of the Dodd-Frank Act, the U.S. Securities and Exchange Commission adopted Rule 13p-1 under the Securities Exchange Act (the “Rule”), which requires all public companies to publicly report on an annual basis certain information concerning tin, tantalum, tungsten, and gold contained in products that they manufacture or contract to manufacture to the extent that tin, tantalum, tungsten, and gold are necessary to the functionality or production of the products.

### Penguin Solutions’ Expectations of Suppliers

Penguin Solutions fully supports this legislation and is committed to responsible sourcing of minerals as well as full compliance with the requirements of the Rule. Furthermore, as a member of the Responsible Business Alliance (RBA), Penguin embraces the industry coalition's due diligence and reporting processes that seek to ensure supply chain transparency by obtaining country of and other origin information from all suppliers directly managed or sourced by Penguin.

Penguin does not directly source minerals from mines, smelters or refiners, and is in most cases several or more levels removed. Penguin, therefore, expects all suppliers to assist us in complying with the Rule, by declaring any components, parts, and products that contain the minerals and further providing associated country of and other origin information. In addition, Penguin expects our suppliers to implement controls on their supply chains consistent with Penguin's responsible sourcing commitment, so that they are able to provide us with this information and so that all of the minerals in the components, parts, and products that we purchase from them is "conflict free". Suppliers who supply components, parts or products

containing minerals are expected to source those minerals from ethically and socially responsible sources that do not directly or indirectly contribute to conflict.

Without limiting the foregoing, suppliers are expected to, directly and indirectly, source minerals only from sources that do not directly or indirectly benefit or finance armed groups in the DRC or another covered country, in each case within the meaning of the Rule. Among other things, we expect our suppliers to, where possible, source minerals from smelters and refiners that are validated as being conflict free and otherwise implement, and require their direct and indirect suppliers to implement, policies, protocols, standards, systems, frameworks and procedures that are consistent with the Rule and the framework for Organization for Economic Co-operation and Development's Due Diligence (OECD) Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (CAHRAs) including the ANNEX II. Suppliers who do not comply with these expectations will be reviewed and evaluated accordingly for future business and sourcing decisions.

Suppliers will continue to be required to comply with complementary policies of Penguin, including those relating to corruption, money-laundering and bribery.

## **Other due diligence initiatives**

Cobalt and Mica are not currently regulated “conflict minerals” or subject to existing mandatory due diligence requirements. Penguin is aware that these minerals are increasingly associated with severe human rights violations (such as child labor) and shall continue to monitor regulatory and other developments regarding cobalt & mica.

For any questions or concerns about Penguin Solutions Responsible Minerals program, please contact us at [conflictminerals@PenguinSolutions.com](mailto:conflictminerals@PenguinSolutions.com).