

“POP” Privacy Policy

Medacta International SA, with registered offices in Strada Regina, Castel San Pietro (Switzerland) (hereinafter “Medacta”), in its capacity as Data Controller regarding the processing of personal data, pursuant to Swiss Federal Data Protection Act, UE General Data Protection Regulation 2016/679 (“GDPR”) and to all the applicable privacy laws (hereinafter collectively defined “Applicable Law”), recognizes the importance of personal data protection and considers that preserving the confidentiality of your personal data is one of the main objectives of its activity.

Before providing any personal data, Medacta invites you to carefully read this privacy policy (“Privacy Policy”), since it contains important information regarding the personal data protection and security measures adopted, in order to ensure confidentiality and full respect of the Applicable Law. Moreover, this Privacy Policy:

- Is to be construed as an information notice, intended for those who interact with Medacta and make use of the services provided by Medacta, like POP;
- Is in conformity with any other Applicable Law related to the minimum requirements for online data collection.

By using the Patient Optimized Pathway Mobile App (hereinafter “POP”), you hereby consent to the processing of your personal information in accordance with this Policy. If you do not agree with this Policy, you may not use the POP.

Medacta informs you that processing of your data will be carried out in accordance with the principles of lawfulness, fairness, transparency, accuracy, purpose and storage limitations, data minimisation, integrity and confidentiality. Your personal data will be processed in accordance with the legislative provisions of the Applicable Law and of the confidentiality obligations included therein.

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1. DATA CONTROLLER, DATA PROCESSOR AND DATA PROTECTION OFFICER

Pursuant to the Applicable Law, Medacta, as POP's developer and owner, is the Data Controller of the data processing activities necessary to provide POP's services and contents.

For the personal data that you provide to your healthcare professional through the POP, the healthcare professional shall obtain another separate consent from you as Data Controller. For this data processing, Medacta, as a Data Processor, is authorized by the healthcare professional to process the personal data, pursuant to Applicable Law and to the present Privacy Policy.

This policy describes the extent of the use, protection and precaution Medacta will take in respect of your data.

Medacta has appointed a Data Protection Officer ("DPO") who is freely contactable for any information relating to the processing of personal data by Medacta (e.g., the list of the other data processors) at the following address: privacy@medacta.ch

2. PERSONAL DATA SUBJECT TO PROCESSING

"Personal Data" means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, mental, economic, cultural or social identity of that natural person.

By means of POP, Medacta collects the following Personal Data:

a. Data provided for service performance

By means of the POP, you may voluntarily provide Personal data to allow you to make use of the content and services required.

The Personal data processed by the POP may include:

- Name and Surname;
- Contacts;
- Country and date of birth;
- Language;
- Gender;
- Data concerning health (a.1) as requested by you healthcare professional for your medical treatment.

Medacta will process this data and other data necessary for the functionalities of the POP, in accordance with the Applicable Law and on the presumption they refer to you, or to third parties who have authorized you to provide them, pursuant to an appropriate legal basis which legitimizes the processing at stake.

a.1. Data Concerning Health

Medacta, as Developer of POP, does not have access to your Data Concerning Health or other sensitive data.

If you are using the POP in the course of your medical treatment by a healthcare professional, that healthcare professional shall obtain consent from you to view your information on the POP, as permitted by Applicable Law. Please note that if you are using the POP in the course of your medical treatment, that Healthcare professionals may access your Data Concerning Health and/or may provide alerts to you through the POP. Your Data Concerning Health may also be used or disclosed by the healthcare professional, to authorized people for purposes of healthcare treatment, payment and operations of the medical practice, as well as for other purposes permitted by Applicable Law. Your Data Concerning Health, accessed by a health professional, is owned by you or your health professional, as determined by Applicable Law.

b. Browsing Data

The computer systems and software procedures collect some Personal Data, the transmission of which is an integral part of Internet communication protocols. This information is not collected to be associated with you but, by its very nature, it may allow you to be identified by processing and associating it with data held by third parties. Among collected Personal Data, there are IP addresses or domain names related to the devices used by you to connect to the POP, the URI (Uniform Resource Identifier) of requested resources, the time of the request, the method used to submit the request to the server, the size of the file received as a reply, the numeric code indicating the status of the reply given by the server (successful, error, etc.) and other parameters regarding your operating system and device environment.

This data is used exclusively for the purposes of obtaining anonymous statistics on the use and proper functioning of POP, to control its correct functioning, to enable Medacta to correctly provide the various functionalities to you, as well as for security reasons. This Personal Data may also be

used to ascertain any liability in cases of alleged computer crimes against our websites, mobile applications and other tools, or against third parties.

c. Cookies and similar technologies

Cookie is a small text file that's stored on your mobile device when you visit POP. Thanks to cookies, POP remembers the actions and preferences (for example, the login data, the preferred language, the font size, other display settings, etc.).

Cookies perform computer authentication, monitoring of sessions and storing information about the activities of users who log onto POP.

Some operations may not be performed without the use of cookies, which in some cases are technically necessary for the operation of the website.

You may find further information on the use of cookie and similar technologies in the Cookie Policy (Section Privacy & Terms).

3. PURPOSES OF THE PROCESSING AND VOLUNTARY OR OBLIGATORY NATURE OF PROVIDING THE DATA

The Personal Data that you provide will be processed by Medacta for the following purposes:

- a) Purposes related to the performance of the POP and necessary to allow You to make use of the content and services required: handle communications between patient and surgeon, exchange contents and direct chat. Medacta may monitor Your usage in order to improve the POP's user experience.
- b) Anonymization of the personal data, in order to conduct research/statistical analyses on aggregated or anonymous data, without the possibility of identifying the data subject, aimed at improving user experience and measuring the functioning of POP;
- c) Purposes related to the compliance with a legal obligation to which the controller is subject;
- d) Purposes necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

We request your consent for the purpose referred to in point a) and b).

The purpose referred to in point c) does not imply the processing of Personal Data, whilst the processing for the purpose referred to in point d) constitutes a legitimate processing of Personal Data within the meaning of the Applicable Law because, once the Personal Data has been provided, the processing is indeed necessary to comply with a legal obligation to which Medacta is subject.

Providing your Personal Data for the above-mentioned purposes is voluntary, however, any refusal to provide such data may not allow Medacta to reply to your requests and to comply with legal obligations to which Medacta is subject.

4. RECIPIENTS

Your Personal Data may be disclosed, in close relation to the purposes specified above in section 3, only to:

- a. subjects necessary for order fulfillment of the services (i.e. contractors we use to support our business), in which case we will require such third parties to agree to treat it in accordance with this Privacy Policy and use it for the same purposes. You can obtain the complete list of authorized third parties, by request addressed to DPO at privacy@medacta.ch
- b. persons authorized by Medacta to process Personal Data, that are committed to/ or under an appropriate statutory obligation of confidentiality (e.g., hosting provider, employees of Medacta) (a. and b. are hereinafter collectively referred to as "Recipients");
- c. law enforcement agencies and public authorities when so required by the Applicable Law.

Medacta guarantees that they will not communicate Your Personal data to non-authorized recipients and will not sell them to anyone.

5. TRANSFERS

Your data will be stored in France. For the purposes described in Section 3, Medacta might transfer some of your Personal Data to Recipients who may be established outside your Country and also outside the European Economic Area. Specifically, Medacta may call upon service providers to supply POP (i.e.: our hosting provider): these third parties may have access to your personal data in the course of providing such services. We require such third parties, who might be based outside the Country from which you have accessed to POP, to comply with the Applicable Law in relation to your personal data. Medacta ensures that the processing of Personal Data by these Recipients is carried out pursuant to the Applicable Law. Further details may be requested to the DPO at privacy@medacta.ch

6. DATA RETENTION

Medacta will process your Personal Data only for the duration necessary to achieve the purposes described in section 3. Apart from the above, Medacta will retain your Personal Data for a period of time necessary or permitted to comply with the Applicable Law. Further information regarding the period of retention of Personal Data and the criteria used to determine such period may be required to the DPO.

7. ABOUT CHILDREN

Medacta will not knowingly collect personally, identifiable information of children under the age of 16, unless with the consent of their parents.

8. YOUR RIGHTS

Pursuant to and to the extent allowed by the Applicable Law, you have the right, at any time, to request, to Medacta, access to, rectification, erasure, restriction of the processing concerning your Personal Data or to object to relevant processing activity and to receive in a structured, commonly used and machine-readable format the Personal Data concerning you.

Requests to exercise your rights must be sent to the following address: privacy@medacta.ch

9. PRIVACY OF PATIENT PERSONAL DATA

Medacta is committed to safeguarding the privacy of patient information - the main end users of POP - and has implemented measures to comply with its obligations under the Applicable Laws, such as pseudonymisation, data encryption, separation of the database storing anagraphic data from the one storing clinical data and other security measures (section 10, SECURITY).

All staff working in Medacta are bound by law and by the Privacy Policy to maintain confidentiality of patient information. If you have a complaint relating to your privacy on the grounds that you believe a health service provider involved in your care has contravened a Privacy Policy, you can contact DPO (section 8, YOUR RIGHTS).

10. SECURITY

Medacta takes reasonable steps to protect personally identifiable information and implemented appropriate technical and organizational measures to ensure a level of security appropriate to the risk, and to protect the information from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. You should keep in mind that no Internet transmission is ever completely secure or error-free.

The security of processing is guaranteed by:

- a) the pseudonymisation and encryption of personal data;
- b) the separation of the anagraphic and clinical data;
- c) the confidentiality, integrity, availability and resilience of processing systems and services;
- d) the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
- e) a regular process of testing, assessing and evaluating the effectiveness of technical and organizational measures for ensuring the security of the processing.

At Your discretion, by Bluetooth technology to health measuring devices and for any other purpose. If you do not wish to have your personal information transmitted by Bluetooth you may disable Bluetooth on your smartphone or similar device in the settings application for that device, or you may simply not connect (or disconnect if you have already connected) the devices that require Bluetooth. At Your discretion and according the indications of your healthcare professional, You can connect the POP to mobile health applications.

11. AMENDMENTS

This Privacy Policy came into force on 1st March 2021. Medacta reserves the right to amend or to update its content, whether in whole or in part, including following changes in the legal and regulatory obligations regarding data protection.

In case of such an event, You will be required to accept the new version in order to continue using the POP mobile application. A warning with the new version and acceptance button, will automatically show up during the use of the app.

Furthermore, you will find the updated version of the Privacy Policy in the section Privacy & Terms.

12. CONTACT US

If you wish to request access to the personal data we hold about you or if you have any question, simply contact us:

privacy@medacta.ch

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