

# MICROVENTION EUROPE

## DATA PRIVACY POLICY

**Last update: April 2023**

### Contents

A. ABOUT THIS POLICY.....	1
B. WHO IS ACCOUNTABLE FOR YOUR DATA?.....	2
C. WHAT DATA DO WE PROCESS AND WHY? .....	2
D. HOW AND WHEN DO WE SHARE DATA WITH THIRD PARTIES.....	6
E. INTERNATIONAL TRANSFERS OF PERSONAL DATA.....	<b>Erreur ! Signet non défini.</b>
F. HOW LONG DO WE STORE PERSONAL DATA?.....	<b>Erreur ! Signet non défini.</b>
G. HOW DO WE PROTECT YOUR DATA? .....	8
H. AFFILIATED ENTITIES .....	<b>Erreur ! Signet non défini.</b>
I. YOUR RIGHTS.....	9
J. HOW TO CONTACT US.....	10

### A. ABOUT THIS POLICY

We are committed to providing you with professional and useful products and services whilst safeguarding your privacy.

This Data Privacy Policy (the “**Policy**”) covers both our online and offline data collection activities and outlines when, why and how we collect, use and handle (or “**process**”) personal information about our customers, potential customers, business partners (including healthcare professionals), patients, distributors, association representatives, suppliers and users of our websites (“**Data Subjects**”). “**Personal Data**” is any information relating to you which can be used to directly or indirectly identify you.

This document also describes the ways to access and update your information and decide on how it is used. To contact us in order to exercise your rights as a Data Subject, see Section J below.

We may process your Personal Data as described in this Policy.

We process the Personal Data that we collect by way of cookies when you use our websites, in accordance with this Policy.

If we decide to change this processing, we will publish a new version of this Policy. Some of these changes may require us to notify you specifically and/or request your consent, depending on the legal requirements. We reserve the right to make changes to our practices described in this Policy, provided that we follow the procedures above.

## B. WHO IS ACCOUNTABLE FOR YOUR DATA?

**MicroVention Europe**, a limited liability company with its head office at 30 bis rue du Vieil Abreuvior, 78100 Saint-Germain-en-Laye, France, registered in the Trades and Companies Registry of Versailles under the number 440 775 674 (“MicroVention Europe”), is the Data Controller for your Personal Data. MicroVention Europe can be reached at [dataprotection@microvention.com](mailto:dataprotection@microvention.com).

In this Policy, the terms “we”, “us” and “our” refer to MicroVention Europe and/or our affiliated entities. The terms “you” and “your” refer to the Data Subjects.

## C. WHAT DATA DO WE PROCESS AND WHY?

Depending on how you interact with us, and in particular how you use our websites, we are likely to collect the following data:

Type of Data Subject	Type of information	Purposes of processing	Legal basis for the processing
Customers	<ul style="list-style-type: none"> <li>• Name</li> <li>• Business address (personal and business)</li> <li>• Email address</li> <li>• Telephone number (personal and business)</li> </ul>	<ul style="list-style-type: none"> <li>• Management of offers</li> <li>• Management of orders</li> <li>• Sending of commercial offers</li> <li>• Replies to your requests</li> <li>• Customer relationships</li> <li>• Product and service improvement</li> <li>• Sending of marketing communications (including our email newsletter) relating to our products or services</li> <li>• Management of clinical trials</li> <li>• Management of disputes</li> </ul>	<ul style="list-style-type: none"> <li>• Execution of an agreement made with you</li> <li>• Our legitimate interests</li> <li>• Your consent</li> </ul>
Potential customers	<ul style="list-style-type: none"> <li>• Name</li> <li>• Business address</li> <li>• Email address</li> <li>• Business telephone number</li> </ul>	<ul style="list-style-type: none"> <li>• Sending of marketing communications (including our email newsletter) relating to our products or services</li> <li>• Management of disputes</li> </ul>	<ul style="list-style-type: none"> <li>• Execution of pre-contractual measures</li> <li>• Our legitimate interests</li> <li>• Your consent</li> </ul>

<p>Healthcare professionals (physicians, carers, handlers, etc.)</p>	<ul style="list-style-type: none"> <li>• Name</li> <li>• Addresses (business and personal)</li> <li>• Email address</li> <li>• Telephone numbers (business and personal)</li> <li>• Job title, role, business activities, involvement in clinical trials, registration number in a professional organisation</li> <li>• Compensation and benefits</li> <li>• Bank details</li> <li>• Data required for a visa (family status, personal life information, insurance certificates, etc.)</li> <li>• Professional publications</li> <li>• “RPPS” number (French healthcare professional registry number)</li> </ul>	<ul style="list-style-type: none"> <li>• Sending of expert opinions</li> <li>• Performance of clinical studies (per reference methodologies MR-003, MR-004 or MR-006, standard case studies, non-interventional studies)</li> <li>• Execution of an agreement made with you</li> <li>• Training sessions, workshops and other product training</li> <li>• Supervision</li> <li>• Management of donations (grants, instructions)</li> <li>• Organisation for travel and registrations at conferences</li> <li>• Medical device vigilance</li> <li>• Sending of marketing communications (including our email newsletter) relating to our products or services</li> <li>• Management of disputes</li> <li>• Completion of product-related regulatory formalities</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance with our legal or regulatory requirements (clinical studies per reference methodologies MR-003, MR-004 or MR-006 and per applicable regulations, obligation for transparency)</li> <li>• Execution of an agreement made with you (consulting agreement)</li> <li>• Your consent</li> <li>• Execution of pre-contractual measures</li> </ul>
<p>Patient</p>	<ul style="list-style-type: none"> <li>• Description of procedures</li> <li>• Patient identification for clinical trials, medical device vigilance or product</li> </ul>	<ul style="list-style-type: none"> <li>• Medical device vigilance</li> <li>• MicroVention product and service improvement (quality)</li> <li>• Sharing of our experience and</li> </ul>	<ul style="list-style-type: none"> <li>• Regulatory medical device vigilance obligations</li> <li>• Our legitimate interest in</li> </ul>

	<p>and service quality improvement</p> <ul style="list-style-type: none"> <li>• Identification data (age, gender, civil status)</li> <li>• Health data (medical history, involvement in clinical trials, X-rays)</li> </ul>	<p>expertise with healthcare professionals</p> <ul style="list-style-type: none"> <li>• Management of disputes (particularly management of product complaints)</li> <li>• Completion of product-related regulatory formalities</li> </ul>	<p>providing an expert opinion</p>
Distributors and sales representatives	<ul style="list-style-type: none"> <li>• Standard identification data (“SIRET” number [French Trades and Companies Registry identification number] for legal entities, name, telephone number, email address)</li> </ul>	<ul style="list-style-type: none"> <li>• Communication and logistical organisation with healthcare professionals outside of France</li> <li>• Checking of compliance for distributors and sales representatives</li> <li>• Sending of marketing communications (including our email newsletter) relating to our products or services</li> <li>• Management of disputes</li> </ul>	<ul style="list-style-type: none"> <li>• Execution of an agreement made with you</li> <li>• Execution of pre-contractual measures</li> <li>• Your consent</li> </ul>
Association representatives	<ul style="list-style-type: none"> <li>• Standard identification data</li> </ul>	<ul style="list-style-type: none"> <li>• Management of donations</li> <li>• Sending of expert opinions</li> <li>• Performance of clinical studies (per reference methodologies MR-003, MR-004 or MR-006, standard case studies, non-interventional studies)</li> <li>• Execution of an agreement made with you</li> <li>• Management of disputes</li> </ul>	<ul style="list-style-type: none"> <li>• Execution of an agreement made with you</li> <li>• Execution of pre-contractual measures</li> <li>• Compliance with our legal or regulatory requirements (clinical studies per reference methodologies MR-003, MR-004 or MR-006 and per applicable regulations,</li> </ul>

			obligation for transparency)
Suppliers and service providers	<ul style="list-style-type: none"> <li>• Standard identification data</li> <li>• Your image via CCTV</li> </ul>	<ul style="list-style-type: none"> <li>• General services, relationships with suppliers and service providers</li> <li>• Checking of compliance for suppliers</li> <li>• Sending of marketing communications (including our email newsletter) relating to our products or services</li> <li>• Management of disputes</li> <li>• Ensuring of equipment security (servers) via CCTV of the server room</li> </ul>	<ul style="list-style-type: none"> <li>• Our legitimate interests</li> <li>• Execution of pre-contractual measures</li> <li>• Execution of an agreement made with you</li> <li>• Your consent</li> </ul>

**Legitimate interests** - We can use your Personal Data for our legitimate interests including business purposes such as:

- record-keeping, statistical analyses, internal reporting and research, completion of product-related regulatory formalities with the authorities;
- investigations of any complaints from you;
- supply of evidence for disputes or anticipated disputes between us;
- detection and prevention of fraud, other criminal offences and risk management;
- business and disaster recovery (e.g., creation of back-ups);
- network and IT system security;
- hosting, maintenance and other activities required for our websites to work, including customisation to improve user experience;
- storage/saving of documents and data;
- protection of rights, property and/or safety of MicroVention entities, their staff and other related persons;
- quality of our services to our customers and other Data Subjects.

We believe that the risk to your rights related to the protection of your Personal Data that we process on the basis of our legitimate interests is not excessive or overly intrusive. We have also put in place protective measures for these rights by ensuring proper retention periods and security checks.

We may also use your Personal Data for other purposes, which are specific and clearly stated when the data in question is collected.

If you choose not to provide the requested Personal Data, we may not be able to provide you with the expected products and/or services or fulfil the purposes for which we asked for the Personal Data.

#### **D. HOW AND WHEN DO WE SHARE DATA WITH THIRD PARTIES?**

Some products and/or services that we provide require the involvement of third parties. We do not sell, rent, distribute or otherwise make Personal Data commercially available to any third parties. However, we may share some information with other MicroVention entities and companies in the Terumo Group, our service providers, and other third parties for the purposes set out in this Policy:

##### **a) Data sharing within MicroVention and Terumo group**

MicroVention Europe may transfer your Personal Data to other MicroVention entities and companies in the Terumo Group for the purposes stated in this Policy or as part of our contractual relationship, such as to conduct market research projects, clinical trials or non-interventional studies.

##### **b) Data sharing with service providers**

We also share your Personal Data with our third-party service providers which we contract for our business needs, particularly as regards the following:

- deliveries of our products;
- marketing and advertising services (e.g., marketing agencies, interactive agencies, emailing solution providers);
- organisation for travel and conferences, hotels, transporters, embassies (visas);
- website management (including hosting and maintenance);
- IT services and solutions (including data storage and assistance with database management).

We carefully select these service providers and take steps to ensure that your Personal Data is adequately protected. All of our service providers are bound by written contracts to process Personal Data provided to them only for the purposes of providing the specific service we require of them and to maintain appropriate security measures to protect this data.

##### **c) Data Sharing – sharing health data for materiovigilance, expert advice and transparency obligations.**

We may also share your Personal Data, including health data, with:

- the French National Agency for Medicines and Health Products Safety (ANSM), the recipient of medical device vigilance data;
- other competent health authorities;
- healthcare professionals as part of an expert opinion;
- clinical research organisations (CROs) and other processors in compliance with reference methodologies MR-003, MR-004 and MR-006;
- the establishment to which healthcare professionals are affiliated in order to obtain authorisation or provide information.

#### **a) Data sharing with other recipients**

We may also share your Personal Data with:

- our accountants, auditors, lawyers or other advisers, when consulted for professional advice;
- any other third party if we are legally required to disclose or share your Personal Data or to protect the rights, property and/or security of MicroVention entities, their staff and other related persons;
- any other third party, particularly to satisfy the requirements of a court, regulatory authority or government agency, to comply with a court order or act in accordance with an applicable law or regulation;
- investors and other relevant third parties in the event of a potential sale or other corporate transaction related to MicroVention entities, their staff and other related persons.

#### **E. INTERNATIONAL TRANSFER OF PERSONAL DATA**

The transfer of your Personal Data to and between our affiliates, service providers and other recipients may involve your Personal Data being sent outside of the European Economic Area (“EEA”), the United Kingdom and Switzerland to countries that may not guarantee the same level of protection as that in the EEA countries, including to third countries that are not covered by an adequacy decision from the European Commission, such as the United States.

However, we transfer your Personal Data outside of the EEA, the United Kingdom and Switzerland in the following cases only:

- where the transfer is to a country or by a method or in circumstances regarded by the European Commission or the applicable UK and/or Swiss regulations, where applicable, as guaranteeing adequate protection for your Personal Data;
- where we have put in place standard data protection contractual clauses adopted by the European Commission or a competent data protection authority, including additional safeguards and, where applicable, supplemental clauses containing additional safeguards;
- where none of the above apply but we are still legally permitted to do so, for example if the transfer is necessary for the performance of a contract concluded with you or in your interest, or for the establishment, exercise or defence of legal claims.

You can request further details about the safeguards that we have in place for transfers of Personal Data outside of the EEA, the United Kingdom and Switzerland and, where applicable, request a copy of the standard data protection contractual clauses that we have in place by contacting us at [dataprotection@microvention.com](mailto:dataprotection@microvention.com).

#### **F. HOW LONG DO WE STORE PERSONAL DATA?**

We store your Personal Data for the duration required for the specific purpose for which it was collected (e.g., to execute an agreement made with you). However, we may be obliged to store some Personal Data for a longer time in the following cases:

- legal obligation(s) under applicable law, which require data to be retained for a certain period of time (e.g., compliance with tax and accountancy requirements);

- the establishment, exercise or defence of legal claims (particularly for the purposes of a potential dispute).

In these cases, we will continue to process your Personal Data in compliance with this Policy. In other cases, we will securely erase it or anonymise it as soon as it is no longer needed.

To find out how long we store your Personal Data for a specific purpose, you can contact us at [dataprotection@microvention.com](mailto:dataprotection@microvention.com).

## **G. HOW DO WE PROTECT YOUR DATA?**

We acknowledge the confidential nature of your Personal Data. We ensure that this data will remain confidential and protected in accordance with this Policy and applicable law, particularly the General Data Protection Regulation 2016/679 (“GDPR”).

We have implemented technological and operational security measures in order to protect your Personal Data from loss, misuse, or unauthorised alteration or destruction. These measures include the use of firewalls, encryption, proper access rights management processes, careful selection of processors, and other technically and commercially reasonable measures to guarantee appropriate protection for your Personal Data. Where appropriate, we may also make back-up copies and use other such means to prevent accidental damage to or destruction of your Personal Data. These measures ensure an appropriate level of security in relation to the risks inherent to the processing and the nature of the Personal Data to be protected.

Please note however, that, where you are transferring information to us over the internet, this can never be guaranteed to be 100% secure.

We will notify you promptly in the event of any breach of your Personal Data that might expose you to serious risk.

## **H. AFFILIATED ENTITIES**

We are in charge of the relationship with you and all the customers and Data Subjects in our scope of activity.

We may exchange information about you, including Personal Data, with our parent company MicroVention US, with its head office at 35 Enterprise, Aliso Viejo, CA 92656, United States.

We may also share your Personal Data with companies from our Group:

- MicroVention UK
- MicroVention Deutschland GmbH
- MicroVention Italia S.r.l.
- companies from the Terumo Group.

Where this involves transfers outside of the European Economic Area, the United Kingdom and Switzerland, these transfers comply with appropriate safeguards, particularly applicable standard contractual clauses where appropriate, as stated in Section E.



## I. YOUR RIGHTS

This section presents the rights that you can exercise in relation to your Personal Data. The various rights are not absolute; each is subject to certain exceptions or qualifications in accordance with the GDPR and other generally applicable provisions of data privacy law.

- **The right to be informed** – you have the right to be provided with clear, transparent and easily understandable information about how we use your Personal Data. This is the purpose of this Policy and the legal notices and other information that are provided to you.
- **The right of access** – you have the right to know whether we process your Personal Data and to receive about some other information (similar to that provided in this Policy) about how it is used. You also have the right to access your Personal Data that we own by requesting a copy of it. This is so you are aware and can check that we are using your information in accordance with data protection law. We can refuse to provide information where doing so may reveal Personal Data about another person or would otherwise negatively impact another person's rights.
- **The right to rectification** – you can ask us to correct your Personal Data if it is inaccurate or incomplete (e.g., if we have the wrong name or address for you).
- **The right to erasure** – also known as the 'right to be forgotten'; this right enables you to request the deletion or removal of your Personal Data where, for example, we no longer need to keep using it or its use is unlawful. However, this is not a general right to erasure; there are some exceptions, e.g., where we need to use the information in defence of a legal claim or to comply with a legal obligation.
- **The right to restrict processing** – you have the right to 'block' or prevent the further use of your Personal Data in a request for rectification or as an alternative to erasure. When processing is restricted in this manner, we can still store your Personal Data but cannot use it any more.
- **The right to data portability** – you have the right to obtain some Personal Data to have it reused for your own purposes or by different organisations (which are separate Data Controllers). This applies only to your Personal Data that you have provided to us, that we are processing with your consent and for the purposes of contract fulfilment, and which is being processed by automated means. In this case, we will provide you with a copy of your data in a structured, commonly used and machine-readable format or, where technically feasible, we may transmit your data directly to a third-party Data Controller.
- **The right to object** – you have the right to object to certain types of processing, on grounds relating to your particular situation, at any time insofar as the processing takes place for the purposes of legitimate interests pursued by MicroVention Europe or by a data recipient. We will be allowed to continue to process the Personal Data if we can demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms, or if we need this for the establishment, exercise or defence of legal claims. If you object to the processing of your Personal Data for direct marketing purposes, we will no longer process your Personal Data for such purposes.
- **The right to withdraw consent** – where we process your Personal Data on the basis of your consent, you have the right to withdraw your consent at any time. However, this withdrawal is not retroactive; processing that occurred beforehand remains lawful.
- **The right to issue instructions on the use of Personal Data after your death** – you can instruct us on how to manage (storage, erasure or sharing, for example) your Personal Data after your death. You can change or withdraw these instructions at any time.

- **The right to lodge a complaint** – if you believe that we have not complied with applicable data protection laws, you have the right to lodge a complaint with a competent data protection authority.

## **J. HOW TO CONTACT US**

If you wish to request further information or exercise any of the above rights, or if you are unhappy with how we have handled your Personal Data, you can contact our Data Protection Officer at [dataprotection@microvention.com](mailto:dataprotection@microvention.com) or write to us at:

MicroVention Europe, 1 avenue Edouard Belin, 92500 Rueil-Malmaison, France

Before assessing your request, we may request additional information in order to identify you. If you do not provide this and we are therefore not able to identify you, we may refuse to fulfil your request.

We will generally respond to your request within one month of receiving it. We can extend this period by an additional two months if this is necessary taking into account the complexity and number of requests that you have submitted.

We will not charge you for such communications or actions we take, unless:

- you request additional copies of your Personal Data undergoing processing, in which case we may charge for reasonable administrative costs,
- you submit manifestly unfounded or excessive requests, in particular because of their repetitive nature, in which case we may either charge for reasonable administrative costs or refuse to act on the request.

If you are not satisfied with our response to your complaint or believe our processing of your Personal Data does not comply with data protection law, you can file a complaint with the competent data protection authority, which is the French Data Protection Authority (*Commission Nationale de l'Informatique et des Libertés*, CNIL).