

## FOUNDATION MEDICINE

### VENDOR PRIVACY NOTICE

Effective Date: March 8, 2023

This Vendor Privacy Notice (this "**Vendor Privacy Notice**") describes the types of personal data that Foundation Medicine GmbH ("**FMI GmbH**") and Foundation Medicine, Inc. ("**FMI Inc.**", and together with FMI GmbH, "**FMI**", "**we**" or "**our**") collect when you or the company you work or act for ("**Your Company**") do business with FMI, how we use such personal data and your statutory rights in that regard.

#### 1. **WHO IS RESPONSIBLE FOR PROCESSING MY PERSONAL DATA? HOW CAN I CONTACT FMI?**

FMI GmbH and FMI Inc. as separate and individual controllers within the meaning of the EU General Data Protection Regulation ("**GDPR**") are responsible for processing your personal data. You can contact us at any time using the following contact details:

Foundation Medicine GmbH, Nonnenwald 2, 82377 Penzberg, Germany; Phone: +49 (8856) 905-3700

Contact information of FMI GmbH's data protection officer: [dpo.fmi-germany@foundationmedicine.com](mailto:dpo.fmi-germany@foundationmedicine.com); Phone: +49 (8856) 905-3715

Foundation Medicine, Inc., 150 Second Street, Cambridge, MA 02141, USA; Phone: +1 (888) 988-3639

Contact information of FMI Inc.'s data protection officer: [dpo.fmi-cambridge@foundationmedicine.com](mailto:dpo.fmi-cambridge@foundationmedicine.com); Phone: +1 (617) 418-2200

#### 2. **WHICH PERSONAL DATA ABOUT ME WILL BE PROCESSED?**

We use the personal data you or Your Company provide(s) to us in connection with any business-related interaction between you or Your Company and FMI, regardless of whether the information is provided verbally (e.g., by telephone) or in writing (e.g., by email, fax, letter, SMS). We may collect, in particular, the following categories of personal data: first and last name; business telephone number; fax number; email address and other business contact information; job title; and content of written communication (correspondence by email, letter, fax, etc.).

#### 3. **FOR WHICH PURPOSES AND ON WHICH LEGAL BASIS WILL MY DATA BE PROCESSED?**

We process your data for the following purposes ("**Processing Purposes**"):

- To enter into and/or perform a contract with you or Your Company. We process your personal data to the extent the processing is necessary for the performance of a contract with FMI to which you are party or in order to take steps at your request prior to entering a contract between you and FMI (Art. 6(1)(b) GDPR), or for the purposes of our legitimate interest in establishing and performing a contract between Your Company and FMI (Art. 6(1)(f) GDPR);
- To communicate with you or Your Company in the context of the establishment or performance of our business relationships with you or Your Company to the

extent this is necessary for the purposes of our legitimate interest in ensuring efficient communication with you and/or Your Company (Art. 6(1)(f) GDPR);

- To carry out a vendor due diligence and evaluation. We process your personal data to the extent the processing is necessary for our legitimate interest in complying with legal requirements, in particular with obligations under applicable data protection laws and regulations (Art. 6(1)(f) GDPR); and
- To the extent necessary for ensuring compliance with applicable statutory retention and other obligations of FMI GmbH, in particular according to sec. 257 of the German Commercial Code (*Handelsgesetzbuch* – HGB) and sec. 147 German Tax Code (*Abgabenordnung* – AO) (Art. 6(1)(c) GDPR) and to the extent necessary for purposes of our legitimate interests in ensuring and documenting compliance with applicable laws and in establishing, exercising and/or defending our legal claims (Art. 6(1)(f) GDPR).

#### 4. **AM I OBLIGED TO PROVIDE MY DATA?**

You are neither contractually nor legally obliged to provide your personal data as indicated above. However, if you do not provide certain data to us, we may, under certain circumstances, be unable to comply with our obligations and/or perform the contract with you or Your Company as contemplated by the parties.

#### 5. **WITH WHOM IS MY PERSONAL DATA SHARED?**

We do not sell or otherwise disclose personal data we collect about you, except as described in this Vendor Privacy Notice.

- FMI Inc.: FMI GmbH may share your personal data with its parent company, i.e., FMI Inc., when it is necessary for achieving the Processing Purposes.
- FMI GmbH: FMI Inc. may share your personal data with its subsidiary, i.e., FMI GmbH, when it is necessary for achieving the Processing Purposes.
- Service providers: We cooperate with third parties, such as technical service providers that perform services and process data, some of which is personal data, according to our instructions for the Processing Purposes. The service providers belong to the following categories: *data base hosting providers, data analytics services, digital workflow services, electronic collaboration workspace services, personal information manager software systems, business spend management services and accounting software services.*
- Authorities: To the extent that we believe it is required by law or necessary to respond in the course of legal proceedings, we may also share your personal data with local or foreign government authorities, supervisory authorities, law enforcement authorities, courts and tribunals.
- Potential asset purchasers: If we sell or transfer assets or are otherwise involved in a merger or business/asset transfer or company restructuring, we may transfer your personal data to one or more third parties as part of such transaction or restructuring, provided there is a legal basis for doing so.
- Other categories of recipients: We also may disclose information about you (i) if we are required to do so by law, regulation or legal process (such as a court

order or subpoena), (ii) in response to requests by government agencies, such as law enforcement authorities, or (iii) when we believe disclosure is necessary or appropriate to prevent physical harm or financial loss, or in connection with an investigation of suspected or actual fraudulent or illegal activity.

6. **IS MY PERSONAL DATA STORED AND PROCESSED OUTSIDE THE EU/EEA?**

Some of the recipients we share your personal data with (as described in Section 5) are located in countries outside the EU/EEA ("**Third Countries**"), in particular, where FMI GmbH shares your data with FMI Inc. in the USA, that are not regarded as providing the same level of protection for personal data as provided by the data protection laws of the European Union. We have put in place appropriate safeguards (such as EU standard contractual clauses) in accordance with applicable legal requirements to provide adequate protections for your personal data. For more information on the appropriate safeguards in place, the concerned Third Countries, and to obtain a copy of such safeguards, please contact us at the contact information set above under Section 1.

7. **FOR HOW LONG WILL MY PERSONAL DATA BE STORED?**

We will store your data only for the period necessary to fulfill the Processing Purposes for which we have collected and processed your personal data as outlined in this Vendor Privacy Notice *i.e.*, principally until the end of the business relationship between FMI and you or Your Company. After the applicable storage period has expired, your data will be deleted in accordance with our data retention policy, unless statutory retention obligations preclude this or prolonged storage is necessary in the specific individual case for the purposes of our legitimate interests (*i.e.*, interest in fulfilling our legal obligations and the necessity of processing for the establishment, exercise or defense of legal claims).

8. **WHICH RIGHTS DO I HAVE AND HOW CAN I EXERCISE THEM?**

Subject to applicable statutory data protection laws, you have the right:

- To access your personal data as well as to obtain a copy of such personal data (**right of access**);
- To have inaccurate personal data rectified and, taking into account the purpose of the processing, supplement incomplete personal data concerning you (**right of rectification**);
- To have your personal data erased to the extent permitted by applicable data protection law (**right to erasure**; "**right to be forgotten**");
- To restrict processing of your personal data to the extent permitted by law (**right to restriction of processing**); and
- To receive personal data which you have provided to us in a structured, commonly used and machine-readable format and to transmit such personal data to another controller without restriction by us and, where technically feasible, to have such data transmitted directly from us to another controller to the extent permitted by law (**right to data portability**).

**Further, according to applicable statutory data protection laws, you have the right to object, on grounds relating to your particular situation, to the processing of your personal data to the extent permitted by law. If your personal data is processed by us for direct marketing purposes - which is currently neither done nor planned - you can object to the processing for the purpose of such marketing in any case (right to object).**

To exercise your rights, you may use the contact details set out above under Section 1. In addition and without prejudice to any other rights, you have the right to lodge a complaint with a supervisory authority.

We encourage you to contact us at the contact information set out above to update or correct your personal data if it changes or if the personal data we have about you is inaccurate. Please note that we may require additional information from you in order to honor any such requests.

9. **HOW CAN THIS VENDOR PRIVACY NOTICE BE CHANGED?**

We may modify or update this Vendor Privacy Notice from time to time. If we make any revisions that materially change the ways in which we process your personal data, we will notify you of these changes before applying them to that personal data.

10. **CALIFORNIA RESIDENT PRIVACY NOTICE (CA ONLY)**

**Overview**

The California Consumer Privacy Act, as amended by the California Privacy Rights Act and its implementing regulations (collectively, “**CCPA**”), provides California residents (“**you**”) certain rights and requires businesses to make certain disclosures regarding their collection, use, and disclosure of Personal Information. For example, as a California resident, you have the right to know and access what categories of Personal Information FMI collects about you, including Sensitive Personal Information, the sources used for collection, the purposes for which your Personal Information is collected, whether FMI sells or shares your Personal Information with third parties and how long FMI may retain your Personal Information. You also have the right to ask us to correct or delete your Personal Information. FMI is prohibited from retaliating or discriminating against you for exercising these rights.

**Definitions**

- “**Personal Information**” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household. Personal information includes, but is not limited to, the categories of personal information identified below if such information identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular individual or household. Personal Information includes Sensitive Personal Information.
- “**Sensitive Personal Information**” includes Personal Information that reveals, among other things, social security number, driver’s license number, state identification card number, passport number, account login, financial account, debit card, or credit card, in combination with any required security or access code, passwords, or credentials allowing access to an account, precise geolocation, race, ethnic origin, religious or philosophical beliefs, union membership, the

contents of mail, email and text messages unless FMI is the intended recipient of the communication, and your genetic data. Sensitive Personal Information also includes the processing of biometric information as a unique identifier, and Personal Information collected and analyzed concerning your health or sexual orientation.

- “**Sale**” or “**Selling**” means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means your Personal Information to a third party for monetary or other valuable consideration.
- “**Share**” or “**Sharing**” means sharing, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, your Personal Information to a third party for advertising purposes, whether or not for monetary or other valuable consideration.

### Your Rights

- **Right to Know and Access.** You have the right to know and access Personal Information that FMI collects about you, including the sources used for collection and the purposes for which we use your Personal Information.
- **Sources for Personal Information.** FMI utilizes your job application itself, sources of information within your application and provided during the processing of your job application, including for example, your interviews.
- **Retention of Personal Information.** FMI retains job applicant Personal Information for three (3) years, or as otherwise reasonably necessary for our legitimate business purposes and for compliance with applicable law.
- **Right to Limit Use of Your Sensitive Personal Information.** FMI does not use Sensitive Personal Information for purposes beyond those authorized by the CCPA.
- **FMI Does Not Sell or Share Your Personal Information.** Your right to opt-out of the sale and sharing of your Personal Information is inapplicable for your job application to FMI since FMI does not sell or share job applicants’ Personal Information under the CCPA.
- **Right to Correct Personal Information.** If FMI maintains any objectively inaccurate Personal Information about you, you have the right to request that FMI correct your Personal Information.
- **Right to Deletion.** You have a right to request that FMI deletes Personal Information we collect from you. However, in certain situations we are not required to delete your Personal Information, for example, when the Personal Information is needed by FMI to comply with laws or other legitimate business purposes compatible with the context in which the Personal Information was provided.

- **No Retaliation or Discrimination.** FMI is prohibited from retaliating or discriminating against you for exercising your rights. For example, we will not make hiring decisions based on your exercise of your rights.

**Categories of Personal Data Collected and Purpose.**

See Sections 2 and 3 above.

**Contact Us | Exercise Your Rights**

More information can be found in our Privacy Policy, available at <https://www.foundationmedicine.com/resource/legal-and-privacy>. If you have any questions regarding this California Resident Privacy Notice or FMI's collection and use of your Personal Information, or would like to exercise your privacy rights, please call 1-888-988-3639 or email us at [privacy@foundationmedicine.com](mailto:privacy@foundationmedicine.com). California residents who are unable to review or access this California Resident Privacy Notice due to a disability may contact us at [ask.the.people.team@foundationmedicine.com](mailto:ask.the.people.team@foundationmedicine.com) to access this California Resident Privacy Notice in an alternative format.