

## **Swissmeda Data Policy and Privacy Statement**

(Referred to as "Swissmeda Data Policy")

This document describes Swissmeda's policy for handling, processing, storing, and otherwise treating transactional and other data of Swissmeda Customers and/or registered users (which may be referred to as "you" throughout this document) when sent to Swissmeda as part of your use of the Solution.

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## Definitions

**“Solution”** means the Implant Planning Module, shell for the planning module, and the administrative module that holds all customer relationships, data, incl. commercial details.

**“User”** means an entity you or your company provides access to the solution.

Swissmeda Customers or registered users may be referred to as "you" throughout this document. Individual users of the Solutions (whether employees of the customer organization) collectively and individually may also be referred to as "you" and "your" throughout this document.

When using the Solution, Swissmeda collects information that you, your employer, or a registered user, or other data sources send to the Solution (such as internet-protocol addresses, transaction-related data, and user account information). This data is addressed below in two categories, **Transaction Data** (as defined below) and **Personal Information** (data that can identify an individual or that is associated with the identity of an individual).

## Transaction Data Handling

Swissmeda understands the sensitive nature of the transaction data you or your organization may provide while using the Solution. Transaction Data may include information you provide to Swissmeda or your registered users during the registration, uploading of DICOM data, implant planning, or through any e-mail or other communication sent by you to the Solution as well as other information that you store within the Solution. It may also include data of transactions sent by your registered users to you or between registered users via the Solution or by you to your registered users via the Solution. Transaction data may include Personal Information addressed more specifically below.

## Data Use by Swissmeda

Swissmeda will treat your Transaction Data as confidential information and will use it only to: facilitate operation of the Solution and its related services; enhance your use of the Solution and its related web pages; perform internal tracking and Solution improvement; analyze the extent to which you use the Solution (e.g., the volume and history); enable us to contact you; and process your transactions through the Solution.

Swissmeda may use the information submitted by you or your registered users in aggregation to determine general medical trends for research purposes or improvement of the Swissmeda Service only. Swissmeda may also use such information in the publication of "high level" medical research project, provided that such publication (i) does not directly or indirectly identify individual cases, you as a customer or any of your registered users by name or provide a third party with sufficient information to allow a third party to identify any individual or legal entity, (ii) is aggregated with data from at least four (4) comparable cases, (iii) does not specifically identify customer's or registered users products or services, or the prices of those products or services.

**Data Storage and Retention.** Swissmeda shall only be obligated and will only retain data (personal data as well as loaded data such as DICOM, plannings, ect. ) during the subscription term of a registered user. After the subscription term ended or has been terminated, Swissmda has the right to delete all data related to the registered user, who has chosen not to extend his subscription term. It is the registered user's obligations to download any relevant data before the end of the subscription term

**Business Contact Information**

When a representative of a Customer or registered user creates a user or admin account on the Solution, Swissmeda asks for the name and contact information. The User Account information will be used by Swissmeda to contact the user with notices, service offerings and Solution administration purposes.

You should submit only publicly available, business contact information. Individual contact information submitted to the Solution should not include private home contact information you do not want to be contacted under.

**Transaction Data and Third Parties**

In using the Solution, you understand that Swissmeda will send your Transaction Data to your registered users (or others that you or your registered users authorize) and Swissmeda service providers in order to facilitate your transactions (cases).

**Swissmeda's Commitment to Data Security**

Swissmeda takes steps to appropriately safeguard credit card and remittance information using recommended industry encryption methods. We've designed our services so that these categories of information can only be viewed from within the Solution.

**Personal Information Handling and Privacy****Personal Information**

"Personal Information" is a person's name and information associated with his or her personal identity as opposed to information associated with a business. Personal Information, such as name, business address, business email, and individually used corporate credit card number, may be required for use of some features of the Solution, such as Swissmeda's Travel and Expense service. If you do not want to provide Personal Information to Swissmeda or wish to have Swissmeda remove your Personal Information from the Solution, please contact your Swissmeda Account Administrator to find out if there is an optional way for you to perform the applicable function without submitting Personal Information.

**Use of Personal Information by Swissmeda**

Swissmeda will treat your Personal Information as confidential information and will use it only to: facilitate operation of the Solution and its related services; enhance your use of the Solution and its related web pages; perform internal tracking and Solution improvement; enable us to contact you; process your transactions through the Solution (including use of DICOM data, templates and document creation); and analyze the volume and history of your Solution usage. Some of our Solution areas utilize cookie technology for these same purposes. You may configure your browser to reject cookies, but this may affect your ability to utilize our Solution to the same extent as a user who accepts cookies. We do not link the information we store in cookies to Personal Information you submit while using the Solution.

**Consent**

By submitting Personal Information to the Solution, you are consenting to Swissmeda's collection, processing, storage, and use of that information in accordance with this Data Policy. Before providing, or allowing an employee to provide, Personal Information to the Solution, you need to obtain that individual's consent for the collection, transfer, processing, and use of that information in accordance with this Data Policy.

**Transfer**

The Solution is primarily located in and operated from Switzerland and Germany. The Controller of personal data processing through the Solution is Swissmeda, headquartered

at Technoparkstrasse 1, 8005 Zurich, Switzerland. By submitting data to the Solution, you consent to having such data transferred to other countries than your home country and other Solution operation locations selected by Swissmeda, and Swissmeda's authorized service providers. Swissmeda Affiliates controlled by Swissmeda are located inside and outside the European Economic Area. Any transfer of Personal Information from the European Economic Area to Swissmeda Affiliates located in countries outside the European Economic Area, which may not provide for an adequate level of data protection within the meaning of the European Data Protection Directive, will be subject to a confirmation by Swissmeda that adequate safeguards are in place and a so-called data transfer agreement based on standard contractual clauses, as approved by the European Commission.

**Correcting Account Information (Exercising Your Right to Access Personal Information)**

You have a right to access and modify your Personal Information and to delete your Personal Information, subject to constraints identified below. To exercise these rights, Swissmeda has procedures to allow you to update Personal Information in a timely manner. In most Solutions, the administrative contact for your company can directly change most contact information by logging on to the Solution and managing your account profile directly. For certain Solutions, changes may be requested by calling Swissmeda customer support.

Swissmeda may refuse to give access to the Solution for legitimate reasons including delinquent payments on the account, a legal dispute, or security concerns. If you are unable to correct, update, or delete your personal information due to the fact that you are no longer an employee of the business that is the account holder, or your account has been terminated, you may contact Swissmeda at the address provided below. In each case, Swissmeda will take reasonable measures to accommodate your request or respond in writing with the legal basis for denying the request within thirty (30) days.

**Disclosure by Swissmeda to Third Parties**

Swissmeda does not provide your Personal Information to third parties, except as described elsewhere in this policy and in our contracts with our Customers, unless (1) you request or authorize it; (2) such disclosure is necessary to process transactions or provide services which you have requested (e.g., processing with credit card companies or settlement services with banks); (3) Swissmeda is compelled to do so by a governmental authority, regulatory body, or under subpoena or similar governmental request or to establish or defend a legal claim; or (4) the third party is acting as our agent or sub-contractor in performing services (e.g., Swissmeda's use of a third party telecommunications provider).

**Security**

Swissmeda uses industry standard security measures to protect Personal Information from unauthorized disclosure. Please see our Security Disclosure for information about the measures Swissmeda takes to address the security of the Solution and the protection of your Personal Information.

**Data Retention**

Swissmeda will retain Personal Information in active databases for varying lengths of time depending upon the specific Solution, type of data, and applicable law. The policy regarding data retention for each Solution is set forth in the documentation or terms for each Solution. Consistent with Swissmeda's backup and storage procedures and due to the close integration of data with the Solution, Personal Information might be stored by Swissmeda in backup logs and files for the duration necessary for legal requirements or the purposes described in this policy. However, Swissmeda makes no commitment to indefinitely store such data. During your subscription to the Solution, you will be able to access your Personal Information for a certain period based on the particular Solution that you purchased and the policies for the Solution and we suggest that inquiries be directed through the administrative contact for your company and directed to the Swissmeda Privacy Coordinator at the address designated below.

**Changes to this Policy**

From time to time Swissmeda will need to make changes to this policy. Some of the changes will be in response to changes in applicable laws and regulations. In addition, as Swissmeda adds new features and new services to a Solution, Swissmeda will continue to handle Personal Information consistently with this policy, but some changes or clarifications may be required.

If Swissmeda seeks to make a material change to Swissmeda's policy to allow use of Personal Information for a new, legitimate business purpose, Swissmeda will document the change to this Data Policy, note the date of the last update at the bottom of the policy, and send a notice to the user contacts on file. You are encouraged to check this policy occasionally to stay informed of any changes in our policies and procedures regarding Personal Information. For substantial and material changes to the Data Policy, Swissmeda will use reasonable efforts to provide notification to all affected users and suggest that such users review the updated Data Policy.

**Questions**

If you have questions about this Data Policy, please send an e-mail to [support@swissmeda.com](mailto:support@swissmeda.com).