

# Privacy Statement of Arthrex GmbH

We take the protection of your personal data very seriously. In this Privacy Statement we, Arthrex GmbH (“We”) will inform you about how we process and use your personal data and on the specific rights you have in connection with your personal data.

One of the main purposes of this Privacy Statement is to fulfil transparency obligations under Regulation (EU) 2016/679 (General Data Protection Regulation, “GDPR”). For this reason we use certain technical terms also used in the GDPR in the context of this Privacy Statement. These and other terms repeatedly used in this Privacy Statement will be explained to you below in Section 2.

Many of our customers are organisations and companies (so-called legal entities). If you contact us as an employee of an organization or a company, we will store and process the categories of data described hereinbelow generally in relation to this organization or company, but may link it to the information that you are employed by such organization or company and are our contact person.

## 1. Name and Address of the Data Controller, Contact Details for the Data Protection Officer, and Supervisory Authority

- 1.1. This Privacy Statement describes the data processing for which we are the controller within the meaning of the GDPR. You will find our contact details below:

Arthrex GmbH

Erwin-Hielscher-Strasse 9  
81249 München

Telefon: 08990 90 05 0      Telefax: 089 90 90 05 2801  
Website: [www.arthrex.com](http://www.arthrex.com)      E-Mail: [info@arthrex.de](mailto:info@arthrex.de)

- 1.2. You can contact our data protection officer at any time with any questions about data protection. Our data protection officer’s name and contact details are as follows:

Leif-Eric Langguth

Arthrex GmbH, Erwin-Hielscher-Strasse 9, 81249 München  
E-Mail: [dataprotection@arthrex.de](mailto:dataprotection@arthrex.de)

- 1.3. The data protection supervisory authority responsible for us is:

Bavarian State Office for Data Protection Supervision (*Bayerisches Landesamt für Datenschutzaufsicht*)

**Address:**

Promenade 27 (Schloss)  
91522 Ansbach  
Germany

**Postal address:**

Postfach 606  
91511 Ansbach  
Germany

**Contact details:**

Telephone: +49 (0) 981 53 1300  
Fax: +49 (0) 981 53 98 1300

E-Mail: [poststelle@lda.bayern.de](mailto:poststelle@lda.bayern.de)

If you wish to file a complaint, you can also use the complaint form available at <https://www.lda.bayern.de/de/beschwerde.html>.

## 2. Definitions

For ease of reading, we use various technical terms in this Privacy Statement which have the following meaning throughout this Privacy Statement:

<b><i>anonymisation</i></b>	means rendering personal data anonymous in such a manner that the data subject is not or no longer identifiable taking into account all means reasonably likely to be used, such as singling out, either by the controller or by another person, to identify the natural person directly or indirectly.
<b><i>consent</i></b>	is your clear affirmative act establishing a freely given, specific, informed and unambiguous indication of your agreement to the processing of your personal data. For clarification: If processing requires consent, we will obtain this separately. Taking note of this Privacy Statement does not replace consent.
<b><i>controller</i></b>	Refers to us, as the entity which, alone or jointly with others, determines the purposes and means of the processing of personal data.
<b><i>data subject</i></b>	is you, i.e. the natural person to whom the personal data refers.
<b><i>direct marketing</i></b>	is any marketing by which we approach you directly, for example by post or (if permissible) by telephone, e-mail or fax;
<b><i>FDPA</i></b>	is the German Federal Data Protection Act.
<b><i>GDPR</i></b>	is Regulation (EU) 2016/679, also known as the General Data Protection Regulation. You can find the full text here: <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679</a>
<b><i>group of undertakings</i></b>	comprises Arthrex, Inc. and all of its subsidiaries (as we are one).
<b><i>guarantee(s)</i></b>	includes standard data protection clauses adopted by the Commission, codes of conduct approved by the supervisory authority, and, in relation to the USA, the Privacy Shield Program, and all other measures intended to ensure an adequate level of protection with respect to data protection.
<b><i>information society service</i></b>	is any service normally provided for remuneration, at a distance (i.e. without the parties being simultaneously present), by electronic means (i.e. by means of electronic equipment for the processing (including digital compression) and storage of data) and at the individual request of a recipient of services.
also referred to as a “ <b><i>web service</i></b> ” in this Privacy Statement.	
<b><i>personal data</i></b>	is any information relating to an identified or identifiable data subject. The term “identifiable” refers to those who can be identified directly or indirectly, especially by assignment to

	an identifier or to one or more special characteristics.
<b><i>processing</i></b>	means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
<b><i>processors</i></b>	are other entities which process personal data on our behalf.
<b><i>profiling</i></b>	is any form of automated processing of your personal data evaluating personal aspects, in particular to analyse or predict aspects concerning your personal preferences or interests, reliability or behaviour, location or movements.
<b><i>pseudonymisation</i></b>	means the processing of personal data in such a manner that it can no longer be attributed to a specific data subject without the use of additional information, whereby this additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.
<b><i>recipients</i></b>	are other entities to which we may disclose personal data, irrespective of whether they are third parties.
<b><i>restriction of processing</i></b>	is the restriction of processing of stored personal data such that they are only processed with your consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest and that you are informed before this restriction is lifted.
<b><i>special categories of personal data</i></b>	include, in accordance with Article 9 of the GDPR, data revealing racial and ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, as well as genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
<b><i>third party</i></b>	is anyone who is not a data subject, a controller or a processor;
<b><i>unsafe third country</i></b>	is any country outside the European Economic Area for which the Commission has not decided that it offers an adequate level of data protection.

### **3. Processing in the Context of our Website, Newsletters and Other Web Services**

3.1. In this Section we will inform you about how we process and use personal data in relation to you which we collect in connection with our website, the dispatch of newsletters and other web services, and on the specific rights you have in this respect.

#### **3.2. Processing in the Context of Use of our Website**

- 3.2.1. When you visit our website, our web server will temporarily record the domain name or IP address of the requesting computer, the access date, the file request of the client (file name and URL), the HTTP response code and the website from which you are visiting us, the number of bytes transferred during the connection and, if applicable, other technical information that we use and statistically evaluate for the technical implementation of the website's use (delivery of the content, guaranteeing the website's functionality and security, protection against cyberattacks and other abuses).

It is necessary to store and process the information referred to above for the duration of your session in order to deliver our website content to your computer.

We also store some of this information in the log files of our servers. We will not combine this information with your IP address or other personal data relating to you except as disclosed in Sec. 3.2.2.

This processing will take place for the fulfilment of the existing contract of use with you, as far as it serves the purpose of the technical implementation of the website's use (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR) and to otherwise protect our legitimate interest in making our website as user-friendly, safe and attractive as possible and in promoting the sale of our products and services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). We will assume that your interests do not conflict with this, because the measures described below are taken in order to limit processing to an appropriate degree.

- 3.2.2. We will also use the data described in Sec. 3.2.1 to draw conclusions about your interests from your use and to adapt our website's offerings according to your interests (profiling). We do this for the preservation of our aforementioned legitimate interest in making our website as user-friendly, safe and attractive as possible and in promoting the sale of our products and services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) and, where applicable, on the basis of your consent as described in Sec. 3.2.4 (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR).

- 3.2.3. We use cookies, among other things, to process the data mentioned under Section 3.2.1 and 3.2.2. Cookies are files that are stored on your computer's hard drive and are accessed by our server when you visit our website. We use cookies to make your use of the website more convenient.

<b>Cookie</b>	<b>Data/Purpose</b>
CFID	Cookie for identifying your browser during the session, which is required for the technical operation of the website
CFTOKEN	Cookie for identifying your browser during the session, which is required for the technical operation of the website
_ga	Cookie for identifying your browser for the services of Google Analytics (see Sec.3.3)
_gid	Cookie for identifying your browser for the services of Google Analytics (see Sec.3.3)
_mktc_trk	Cookie for identifying your browser for the services of Marketo (see Sec.3.3)
countrypreference	Cookie for storage of country settings, which is required for the technical operation of the website

interruptAutomaticRedirect	Cookie for storage of view options (desktop or mobile), which is required for the technical operation of the website
menu	Cookie for storage of menu settings, which is required for the technical operation of the website
screenpreference	Cookie for storage of view options (desktop or mobile), which is required for the technical operation of the website

You can prevent or restrict the storage of cookies on your hard disk by setting your browser not to accept cookies or to request your permission before setting cookies. Once cookies have been set, you can delete them at any time. Please refer to your browser's operating instructions to find out how this works. If you do not accept cookies, this can lead to restrictions in the use of our service.

- 3.2.4. When you visit our website or register for a newsletter, you are notified of the use of cookies for tracking and analysis (see Sec. 3.3 and 3.5.3) and asked to provide your express consent. The notice makes reference to the detailed explanations in this Privacy Statement.
- 3.2.5. Log files are deleted after 30 days. Most cookies expire and are deleted at the end of your browser session, some (including those mentioned in Sec. 3.3) will persist for up to 24 months before they expire and are deleted. After expiry of those periods information will be deleted or made anonymous.

### **3.3. Use of Analytics Services**

We use the analytics services described below. We use these services for the purposes set forth in Section 3.2.1 and 3.2.2 and the preservation of our legitimate interest described therein (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) and, where applicable, on the basis of your consent as described in Sec. 3.2.4 (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR):

- 3.3.1. Our website uses **Google Analytics**, a web analysis service of Google LLC (<https://www.google.de/intl/en/about/>), 1600 Amphitheatre Pkwy, Mountain View, CA 94043-1351, USA ("**Google**").
- 3.3.2. You can find further information on how Google uses information from sites or apps that use its services here:  
<https://www.google.com/policies/technologies/partner-sites/>
- 3.3.3. Google Analytics uses so-called "cookies", which are text files placed on your computer, to help the website analyse how users use the site (see Section 3.2.3). The information generated by the cookie about your use of this website such as pages visited and
- browser type and version,
  - operating system of your computer,
  - referrer URL (i.e. the page last visited),
  - host name of accessing computer (IP address),
  - date and time of server request

is usually transferred to a Google server in the USA and stored there. IP

anonymisation has been activated on this website such that the IP addresses of users of Google within Member States of the European Union or in other signatory states to the Agreement on the European Economic Area will be truncated beforehand. Only in exceptional cases will the full IP address be transmitted to a Google server in the USA and truncated there. On behalf of this website's operator, Google will use this information to evaluate your use of the website, to compile reports on website activity and to provide the website operator with other services relating to website and Internet use.

The IP address transmitted by your browser in the context of Google Analytics will not be merged with other Google data.

**Disabling add-ons:** You may refuse the use of cookies by selecting the appropriate settings on your browser, however, please note that if you do this you may not be able to use this website's full functionality. You can also prevent Google from collecting the data generated by the cookie and relating to your use of the website (including your IP address) and from processing this data by downloading and installing the browser plug-in available at the following link:

<http://tools.google.com/dlpage/gaoptout?hl=de>

**Opt-out:** In addition or as an alternative to the browser add-on you can prevent Google Analytics from collecting data by clicking on the following link. An opt-out cookie will be set which prevents the future collection of your data when visiting this website:

[Google Analytics deaktivieren](javascript:gaOptout())

The opt-out will work only in the browser and only for this domain. An opt-out cookie will be stored on your device. If you delete your cookies in this browser, you must click this link again.

Please note that on this website, Google Analytics has been supplemented with the code "gat.\_anonymizeIp();" to ensure anonymous collection of IP addresses (so-called IP masking).

You can find additional information on the use and protection of your data in connection with Google Analytics on the Google Analytics help pages (<https://support.google.com/analytics/answer/6004245?hl=en>).

#### **3.3.4. Marketo**

Our website uses the marketing automation system of Marketo EMEA Ltd., Cairn House, South County Business Park, Leopardstown Road, Dublin 18, Ireland („**Marketo**“) for statistical analysis of user access and also to provide individualized content to you based on tracking your use of the website. Marketo lead tracking employs Cookies (see Sec. 3.2.3) which are stored on the user's computer in order to enable analysis of the user's use of the website. Information with respect to your use of the website collected through the so-called Munchkin Cookie is transferred to a Marketo server in Ireland and stored on that server. You can prevent this processing by setting your

browser not to accept cookies or to request your permission before setting cookies or by activating the Do Not Track function.

We have concluded contract processing agreements with all analytics services providers to ensure that personal data are processed only on our behalf and in accordance with our instructions. The contract processing agreement with Google contains guarantees for an adequate level of protection in the form of participation in the Privacy Shield Program.

### **3.4. *Third Party Icons such as Facebook and YouTube***

Our website contains icons with the logos of certain social media platforms. The icons are linked to a URL of the social media platform. When you click in the icon, the respective function of the social media platform is activated (like, share, connect etc.). Until then no data is transmitted to the social media platform. When you click on the icon, you will leave our website. We make reference to Sec. 3.7.3. Our website currently contains icons of the following social media platforms:

- 3.4.1. When you click on the icon **LinkedIn** you will be re-directed to the services of LinkedIn Ireland Unlimited Company, Wilton Plaza, Wilton PI, Grand Canal Dock, Dublin 2, Ireland. You can find information on which data the service provider collects and how they are used in the privacy statement of the service provider: [www.linkedin.com/legal/privacy-policy](http://www.linkedin.com/legal/privacy-policy).
- 3.4.2. When you click on the icon **Twitter** you will be re-directed to the services of Twitter Inc., 795 Folsom St., Suite 600, San Francisco, CA 94107, USA. You can find information on which data the service provider collects and how they are used in the privacy statement of the service provider: <http://twitter.com/privacy>.
- 3.4.3. When you click on the icon **Facebook** you will be re-directed to the services of Facebook Inc., 1601 S. California Ave, Palo Alto, CA 94304, USA. You can find information on which data the service provider collects and how they are used in the privacy statement of the service provider: [www.facebook.com/help](http://www.facebook.com/help).
- 3.4.4. When you click on the icon **YouTube** you will be re-directed to the services of YouTube, LLC, Cherry Ave., United States, a company of Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, United States. You can find information on which data the service provider collects and how they are used in the privacy statement of the service provider: <https://www.google.de/intl/de/policies/privacy/>.

### **3.5. *Processing in the Context of Registration for Newsletters and Receipt of Newsletters***

- 3.5.1. If you register via our website or by other means to receive electronic newsletters, we will store and process your registration data (the registration form will show you which registration data we collect and store and whether entries are mandatory or voluntary) for an unlimited period of time until you unsubscribe or we cancel the newsletter dispatch in order to fulfil the existing

contract with you for the receipt of the newsletter (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR).

- 3.5.2. The IP address assigned to you by the internet service provider (ISP), and the date and time of registration will also be stored when you register. The purpose of this is to protect our legitimate interest in preventing and, if necessary, prosecuting misuse of our services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). In addition, we will store and process your consent to receive the newsletter for the retention period specified below. This serves to protect our legitimate interest in being able to prove in the event of a dispute that you wished to receive the newsletter (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 3.5.3. With your consent we use the *Retarus WebExpress* tool of our service provider retarus GmbH, Munich, Germany to analyse the actions of recipients of our newsletters, in particular whether they are opened and the links contained therein clicked. For this purpose the tool employs so-called *Web Beacons* (tracking pixels). We store and process the information collected in profiles which we analyse for the purposes described in Section 3.2.1 and 3.2.2. We have concluded a contract processing agreement with this service provider to ensure that personal data are processed only on our behalf and in accordance with our instructions.
- 3.5.4. We process data as described in Sec. 3.5.3 for the preservation of our legitimate interest described in Section 3.2.1 and 3.2.2 (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) and, where applicable, on the basis of your consent as described in Sec. 3.2.4 (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR). You can prevent this processing by setting your e-mail program not to automatically load external image files.
- 3.5.5. After termination of your registration for the receipt of newsletters, we will retain the registration data, the IP address, date and time of registration and your consent for up to three months. This serves to protect our legitimate interest in being able to restore this data in the event of unintentional deletion; or in establishing, exercising or defending legal claims in connection with the registration for, and consent to, receipt of newsletters (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). We will assume that your interests do not conflict with this, because the retention period is appropriate with respect to the interests to be protected.
- 3.5.6. The registration for our newsletter takes place in a so-called double opt-in procedure. This means that after registration you will receive an e-mail asking you to confirm your registration. This confirmation is necessary to prevent unauthorized use of your e-mail address by another person.

### **3.6. *Processing in the Context of Registration or Use of the Contact Form***

- 3.6.1. If you register on our website and create a user account (the registration form will show you which registration data we collect and store and whether entries are mandatory or voluntary), all personal data collected in connection with this user account will be stored in this user account until you delete the



user account or until we cancel the user account for the performance of our contractual relationship on use of the respective website or web service (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR). The IP address assigned to you by your internet service provider (ISP), and the date and time of registration will also be stored when you register. The purpose of this is to protect our legitimate interest in preventing and, if necessary, prosecuting misuse of our services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

After de-registration of your user account, we will retain all data for up to six months. This serves to protect our legitimate interest in being able to restore this data in the event of unintentional deletion; or in establishing, exercising or defending legal claims in connection with our contractual relationship (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR). We will assume that your interests do not conflict with this because the retention period is appropriate with respect to the interests to be protected.

- 3.6.2. Our website contains a contact form which you can use to submit communications to us. When submitting information through the contact form, you are required to enter an e-mail address which we will use for responding to your request. The contact form enables you to submit additional information on a voluntary basis.
- 3.6.3. If you provide us with personal data via the user account or the contact form for a purpose beyond the use of the website or respective web service, such as sending us an offer or product information, we will also store and process this data for this purpose. In order to find more information on how we store and process such data, you will need to refer to the Section of this Privacy Statement that is pertinent to the respective purpose (especially Section 5 et seq.).

### **3.7. *Additional Recipients and Guarantees***

- 3.7.1. Our website (including your user account and registration information for newsletters) is stored exclusively on servers in the European Economic Area.
- 3.7.2. Newsletters will be sent to the e-mail address you have provided. If your e-mail provider is located in an unsafe third country, the transfer will nonetheless be made to fulfill the contract with you and in accordance with your instructions.
- 3.7.3. Our website may contain references to third parties' offers in the form of links, advertising banners or the like. If you follow these links (usually by clicking on the link or advertising banner), you will be directed to third-party offers. We would like to point out that providers of such offers may be in an unsafe third country and that clicking on such links may therefore lead to a transfer of information to such a country, that we are not the controller with respect to such third party offers and have not agreed any guarantees with the controllers' of such third party offers regarding data protection and that only the data protection policies of the third party as the controller will apply to

these offers. Although we do not pass on any personal data to such providers or their service providers ourselves, they can draw conclusions from the fact that you come from our website when you click on an advertisement.

- 3.7.4. We enable other companies of our group of undertakings which are established within the European Economic Area to present their products and services on our website and to communicate with users in their respective countries of establishment through our website. If you register on our website and create a user account and are not located in Germany, or if you request information through our contact form which relates to countries other than Germany, we will pass on the information submitted and your interest to the local entity of our group of undertakings in your country of residence or the country to which the inquiry relates, in order to enable that entity to provide the information you have requested. Where the inquiry relates to a specific transaction, we pass on the information for the performance of steps prior to entering into a contract (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR), and, where not, for preservation of our legitimate interest in approaching (prospective) customers through the company of our group of undertakings which is closest to the customer (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

### **3.8. *Additional Information on Purposes and Retention Periods***

If you register to use the website or to receive a newsletter or if you complete a contact form, and you are already a customer, or if a customer relationship is subsequently established, the information from the registration or submitted through the contact form will also be stored in your customer account and processed and used as part of your customer account and the information in Section 6 will apply.

If a customer relationship does not exist and is not subsequently established, we will also store your registration and the object of your interest in our database of prospective customers and the information in Section 5 will then apply.

If you use the contact form to submit information that we must collect as part of our legal product monitoring obligation, please take note of the information contained in Section 11.3.4.

- 3.9. We also refer to Sections 10 et seq. for further information regarding the possible recipients and retention periods of the above information.

## **4. Processing in the Context of our Telephone Hotline**

- 4.1. In this Section we will inform you about how we process and use personal data in relation to you that we collect in connection with calls to our telephone hotline and on the specific rights you have in this respect.
- 4.2. When you call our hotline, our representative will record your name, the date and time of your call and the content of your request in a call log. If you are registered with us in the customer database, this information will be stored in your customer account and the information in Section 6 will then apply. If you express interest in a product or service and there is no customer relationship, this information will be stored in our

database of prospective customers and the information in Section 5 will then apply. In all other cases we will record your details in a separate database with call logs.

We will store and process the above information to perform the contractual relationship with you with respect to the delivery or service to which the call relates on the one hand (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR), and on the other hand, to protect our legitimate interest in improving our deliveries and services to meet your individual requirements and thus promoting the sale of our products and services, possibly offering you additional products or services in line with your interests, documenting the content of your request for the establishment, exercise or defence of legal claims and, where relevant, fulfilling our product monitoring obligations with respect to our products and services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

Unless one of the longer retention periods specified further below applies, call logs will be retained for 12 months after the call.

- 4.3. We record individual calls to ensure service quality. We will obtain your consent for this in advance. We will use these records on the one hand on the basis of your consent, and, on the other hand, to protect our legitimate interest in improving our services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). The records will be evaluated within two weeks after the call by managers or trainers, and discussed with the employee in order to continuously improve their customer friendliness and performance. The recordings will be deleted at the end of this period.
- 4.4. We also refer to Sections 10 et seq. for further information regarding the possible recipients and retention periods of the above information.

## **5. Processing in the Context of our Database of Prospective Customers**

- 5.1. In this Section we will inform you about how we process and use the personal data in relation to you that we collect when you express an interest in our products or services and on the specific rights you have in this respect.
- 5.2. If you express your interest in our products or services by making an enquiry (e.g. at a trade fair or conference, by e-mail, or via the contact form), we will store your contact data and the subject of your interest in a separate database for prospective customers.
- 5.3. We will store and process this data in order to process your inquiry and also to protect our legitimate interest in improving our deliveries and services to meet your individual requirements, promoting the sale of our products and services and possibly offering you additional products or services in line with your interests (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 5.4. We may process data on prospective customers in the context of “know your customer”, anti-corruption, anti-money laundering, anti-terror and export control or similar screenings or audits in order to perform our compliance obligations and give effect to our compliance policies. The legal basis for such audits and screenings is the fulfilment of a legal obligation, where they are legally required (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR), and otherwise our legitimate interest in avoiding business relationships which we consider to violate our ethical standards (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

- 5.5. If a customer relationship is established, the data will be transferred to our customer database (cf. Section 6). If no customer relationship is established, the data will be deleted two years after the last correspondence with you.
- 5.6. We also refer to Sections 10 et seq. for further information regarding the possible recipients and retention periods of the above information.
- 5.7. You can object to the use of your data for direct marketing purposes at any time (cf. Section 12.7).

## **6. Processing in the Context of our Customer Database**

- 6.1. In this Section we will inform you about how we process and use personal data in relation to you that we store in our customer database and on the specific rights you have in this respect.
- 6.2. We will set up a customer account in our customer database if a customer relationship exists or is established with you. The customer account contains your master data (name, address, account etc.). All correspondence and documents (correspondence, orders, contracts, complaints, etc.) within the scope of the customer relationship will then be stored in, or linked to, this customer account.
- 6.3. We will store and process the above information on the one hand to perform the respective contractual relationship with respect to the products and services we deliver to you (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR), and on the one hand, and, on the other hand, to protect our legitimate interest in improving our deliveries and services according to your individual requirements and thus promoting the sale of our products and services, and possibly offering you additional products or services in accordance with your interests, documenting contractual agreements and correspondence for establishing, exercising or defending related legal claims, and, where relevant, fulfilling our product monitoring obligation with respect to our products and services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) as well as fulfilling statutory documentation and document retention obligations (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR).
- 6.4. When establishing the customer relationship, or at any time during the customer relationship, we may process customer data in the context of “know your customer”, anti-corruption, anti-money laundering, anti-terror and export control or similar screenings or audits in order to perform our compliance obligations and give effect to our compliance policies. The legal basis for such audits and screenings is the fulfilment of a legal obligation, where they are legally required (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR), and otherwise our legitimate interest in avoiding business relationships which we consider to violate our ethical standards (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 6.5. We also refer to Sections 10 et seq. for further information regarding the possible recipients and retention periods of the above information.

## **7. Processing of Prospective Supplier Data and Supplier Data**

- 7.1. In this Section we will inform you about how we process and use personal data in relation to prospective and actual suppliers. In this context we use the term “supplier”

cover not only the suppliers of products but any business partner who is not a customer or employee, including also service providers, consultants and freelancers.

- 7.2. We generally store and process data in relation to prospective and actual suppliers in the same manner and in the same databases as data on prospective and actual suppliers. Therefore all information on prospective customer data and customer data in this Privacy Statement also apply to data in relation to prospective and actual suppliers.
- 7.3. We will store and process data in relation to prospective and actual suppliers and all correspondence and documents (correspondence, orders, contracts, complaints, etc.) within the scope of the business relationship to perform the respective contractual relationship with you with respect to your products and services on the one hand (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR), and, on the other hand, to protect our legitimate interest in documenting contractual agreements and correspondence for establishing, exercising or defending related legal claims, and, where relevant, fulfilling our product monitoring obligation with respect to your products and services (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR) as well as fulfilling statutory documentation and document retention obligations (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR).
- 7.4. When establishing the business relationship or at any time during the business relationship, we may process data in relation to prospective and actual suppliers in the context of “know your customer”, anti-corruption, anti-money laundering, anti-terror and export control or similar screenings or audits in order to perform our compliance obligations and give effect to our compliance policies. The legal basis for such audits and screenings is the fulfilment of a legal obligation, where they are legally required (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR), and otherwise our legitimate interest in avoiding business relationships which we consider to violate our ethical standards (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 7.5. We also refer to Sections 10 et seq. for further information regarding the possible recipients and retention periods of the above information.

## **8. Processing in the Context of Visits to our Facilities, CCTV Surveillance**

- 8.1. In this Section we will inform you about how we process and use personal data in relation to you that we collect in connection with your visits to our facilities and on the specific rights you have in this respect.
- 8.2. When you visit our facility, we ask you to register. Typically your name and company and the date and time of visit will be recorded and you may be asked to sign a confidentiality undertaking.
- 8.3. We will store and process the above information to protect our legitimate interest in preventing abusive behaviour during visits and in establishing, exercising or defending possible legal claims (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). Unless one of the longer retention periods set forth below applies, the information will be retained for one year after the visit. If you are a customer, they may be stored in your customer account and retained for the longer periods described in Sec. 11.
- 8.4. Sensitive areas of our facilities may be subject to closed circuit TV (CCTV)

surveillance. CCTV cameras will be placed visibly and clearly marked. CCTV Cameras may be linked to live monitors without further recording but may also involve recording of videos. Recordings may be reviewed by security staff either on a random sample basis or where there is an indication of unauthorized access or abusive behaviour. After 72 hours recordings will be deleted unless required for investigation of a specific incident. We will store and process information collected through CCTV surveillance to protect our legitimate interest in preventing unauthorized access and abusive behaviour during visits and in establishing, exercising or defending possible legal claims (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). Information collected through CCTV surveillance will not be used for any other purpose.

- 8.5. We also refer to Sections 10 et seq. for further information regarding the possible recipients and retention periods of the above information.

## **9. Processing of Applicant Data**

- 9.1. In this Section we will inform you how we process and use personal data in relation to you that we collect in connection with applications for employment with our company or other entities within our group of undertakings and on the specific rights you have in this respect.

### **9.2. Data Collection, Legal Basis and Purposes**

- 9.2.1. If you send us your application documents via the general contact form or by e-mail, you should be aware that such transmission is not effectively protected against unauthorised access. We will therefore never ask you to send us your application documents exclusively in this way. We recommend that you submit your application documents only by post or via the secure connection we have provided for this purpose.
- 9.2.2. If you register with us as an applicant and send us application documents in printed or electronic form, we will store and process your contact data, your application documents (in printed or electronic form) and all documents and records concerning you which are created in the course of the application process (all these data and documents will be collectively referred to subsequently as "**applicant data**") for the duration of the application procedure, and for the purpose of performing the application procedure (legal basis for processing: Art. 6 no. 1 lit. b) of the GDPR).
- 9.2.3. We do not normally require special categories of personal data for the application process. We kindly ask you not to include such data in your application documents. Where such data are relevant in exceptional circumstances, we will process them together with other applicant data. This may include information on job restrictions based on pregnancy or health issues or information on disabilities in view of our special legal obligations vis-à-vis the disabled. In these cases we process your data for carrying out obligations and exercising specific rights in the field of employment and social security and social protection law (legal basis for processing: Art. 9(2)(b) of the GDPR in conjunction with Section 26 of the German FDPA) and/or for the assessment of your working capacity (legal basis for

processing: Art. 9(2)(h) in conjunction with Section 22(1)(b) of the German FDPA).

- 9.2.4. We may also process applicant data in the context of anti-corruption, anti-money laundering, anti-terror and export control or similar screenings or audits in order to perform our compliance obligations and give effect to our compliance policies. The legal basis for such audits and screenings is the fulfilment of a legal obligation, where they are legally required (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR), and otherwise our legitimate interest in avoiding employment of persons we consider to violate our ethical standards (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).
- 9.2.5. Where during the application process you provide information or documents which are not strictly necessary for the application process, we process such information or documents within the scope of your consent (legal basis for processing: Art. 6 no. 1 lit. a) of the GDPR).
- 9.2.6. You can find out how we also store and use your applicant data, e.g. book keeping information where you are indemnified for out-of-pocket expenses, in the following Sections.

### **9.3. *Recipients and Categories of Recipients***

If the advertised position is with another entity in our group of undertakings or otherwise is group-related, e.g. if the position reports to an employee of another entity within the group of undertakings (so-called matrix structure), we may also make the applicant data accessible to those employees of other companies in the group of undertakings who participate in the recruitment process. This serves the purposes specified in Section 9.2 and also to protect our legitimate interest in an exchange of information within the group of undertakings as required for the execution of the application procedure (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

### **9.4. *Transfers to Unsafe Third Countries and Guarantees***

Normally, the recipients of applicant data in accordance with Section 9.3 will not be located in an unsafe third country. If, exceptionally, this is the case, we will agree appropriate guarantees with the recipient to ensure an adequate level of data protection for the application procedure.

### **9.5. *Retention Periods and Deletion***

- 9.5.1. If the application is successful, the applicant data will continue to be stored and used as part of your personnel file in order to perform the employment contract.
- 9.5.2. If the application process is not successful, we will return printed application documents to you and will retain copies of them and all other applicant data for another three months after completion of the application process and will then delete or anonymise them. The storage of these data and documents serves to protect our legitimate interest in establishing, exercising or

defending legal claims in connection with the application procedure, particularly if we need them as evidence in our defence against the assertion of discrimination in the selection process (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR).

- 9.6. We also refer to Sections 10 et seq. for further information regarding the possible recipients and retention periods of the above information.

## **10. General Information on Recipients, Categories of Recipients and Transfers**

- 10.1. Our data protection officer will have access to your data as necessary for the consummation of its data protection tasks. The data protection officer is under a statutory obligation of confidentiality.
- 10.2. All of our servers and databases may be operated, maintained or further developed by additional processors or other contractors. They may have access to your data.
- 10.3. We may use third party service providers for the archiving and/or destruction of documents. They will have access to your data.
- 10.4. Where we store and process data for the consummation of contracts, we may pass these data on to agents and contractors we employ for such consummation (e.g. to carriers for transportation purposes).
- 10.5. Where we store and process data for communication with you, we may use additional processors or contractors in order to process or transmit correspondence with you (e.g. letter shops), who will then have access to your data.
- 10.6. We may also retain consultants or advisors such as legal, tax or business consultants. They may have access to your data.
- 10.7. Where we use contractors of the categories listed hereinabove to handle your data on our behalf, we have concluded, or will conclude prior to such processing, a contract processing agreement with the contractor to ensure that personal data is processed only on our behalf and in accordance with our instructions. Where the data are not processed on our behalf, we will enter into appropriate confidentiality agreements with the contractors.
- 10.8. We will transfer your personal data to competent law enforcement, regulatory or other authorities, institutions or bodies if we are legally obligated to do so (legal basis for processing: Art. 6 no. 1 lit. c) of the GDPR) or if we have a legitimate interest in averting coercive measures of such authorities, institutions or bodies within the scope of their legal authority (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). Such legally required or necessary transmissions are not the subject of this Privacy Statement.

## **11. General Information on Retention Periods and Anonymisation**

- 11.1. We have enacted a data retention and deletion policy in order to ensure that personal data are only stored for as long as necessary for their purpose.
- 11.2. Our data retention and deletion policy takes account of the principle that personal data should be retained for limited periods even after the original purpose has become obsolete, in order to preserve our legitimate interest in preventing unintentional



deletions, in enabling the establishment, exercise or defence of legal claims and in rendering the administration of retention and deletion periods practicable (legal basis for processing: Art. 6 no. 1 lit. f) of the GDPR). We assume that your interests do not conflict with this, because these additional retention periods are appropriate with respect to the interests to be protected.

- 11.3. Unless detailed information on deletion periods has already been provided above, the following general deletion periods will apply in accordance with our data retention and deletion policy. Where data fall under several different deletion periods, the longest will always apply:
  - 11.3.1. We will retain customer data for the duration of the customer relationship. After the end of the customer relationship such data will continue to be retained for as long as these data are necessary for the maintenance of the customer account and for the administration of documents or data relating to the customer which fall into any of the categories identified hereinbelow. Otherwise customer data will be deleted after expiry of one year.
  - 11.3.2. For compliance with the statutory retention period for commercial letters and tax documents we will retain correspondence for seven years and invoices and other booking documentation for 11 years.
  - 11.3.3. We will retain contract-related data and documents for 11 years after the end of the contractual relationship in view of the statutory limitation period for claims and statutory document retention obligations for booking receipts.
  - 11.3.4. We will retain all product safety documents and product data including information on safety-relevant incidents and accidents or customer complaints to comply with our statutory product monitoring obligation and to assert, exercise or defend legal claims within the statutory limitation periods for 31 years after the end of product sales.
- 11.4. If the term "deletion" is mentioned in this Privacy Statement, we reserve the right to anonymise the relevant data record, such that it can no longer be assigned to you, instead of complete deletion
- 11.5. Anonymised data may be processed and used by us and our processors for an unlimited period. The processing and use of anonymised data is not subject to the GDPR and is not the subject of this Privacy Statement.

## 12. Your Rights

You as the data subject have certain rights with regard to your personal data, which we will explain to you below:

- 12.1. **Right of Access and Information (Art. 15 of the GDPR)** - You have the right, where the statutory requirements are met, to request from us at any time, at no cost, confirmation as to whether personal data relating to you is being processed, a copy of this data and comprehensive information on this personal data. This right extends in particular, without limitation, to the purposes of processing, the categories of personal data being processed, the recipients, the storage period and the origin of the data.

- 12.2. **Right to Rectification (Art. 16 of the GDPR)** - You have the right to request us to rectify incorrect and incomplete personal data concerning you without delay, where the statutory requirements are met.
- 12.3. **Right to be Forgotten (Art. 17 of the GDPR)** - You have the right to demand from us the immediate deletion of personal data concerning you, where the statutory requirements are met, if, among other reasons, their storage is no longer necessary or unlawful, if you revoke your consent on which their storage was based, if you have validly objected to their storage in accordance with Sections 12.6 et seq., if we are obligated to delete them for any other reason or if the data were collected as part of a web service. If we have made the data public, in addition to deletion of the data, we must also inform other controllers in such cases that you have requested the deletion of this data and all references thereto, insofar as this is reasonable in view of the available technology and the implementation costs. The above obligation does not apply in certain exceptional cases, in particular storage for the purpose of establishing, exercising or defending legal claims.
- 12.4. **Right to Restriction of Processing (Art. 18 of the GDPR)** - You have the right to request us, where the statutory requirements are met, to restrict the processing of personal data relating to you, for example if you dispute their accuracy, the storage is no longer necessary or is unlawful and you still do not wish to have it deleted or if you have filed an objection to the processing (Sections 12.6 et seq.) as long as it has not yet been established whether our legitimate reasons outweigh yours.
- 12.5. **Right to Data Portability (Art. 20 of the GDPR)** - If automated processing of personal data occurs solely on the basis of your consent or to fulfil a contract with you or to implement pre-contractual measures, you have the right to require us, subject to statutory requirements, to make available the personal data in relation to yourself that you have provided to you or to a third party you designate, if this is technically feasible, in a structured, current and machine-readable format and not to impede its transfer to a third party.
- 12.6. **Right of Objection (Art. 21(1) of the GDPR)** - You have the right to require us, where the statutory requirements are met, to no longer process personal data relating to you which we process for the performance of a task which is in the public interest or for the protection of our legitimate interests or those of a third party, if you object to such processing for reasons which arise from your particular situation. In this case we must desist from further processing unless there are compelling grounds for processing which outweigh your interests or the processing is carried out for the establishment, exercise or defence of legal claims.
- 12.7. **Right of Objection to Direct Marketing (Art. 21(2) of the GDPR)** - You can object to the further processing of your personal data for direct marketing purposes at any time, and we will consequently refrain from processing them for this purpose. This also applies to profiling insofar as it is associated with such direct marketing.
- 12.8. **Automated Decisions (Art. 22 of the GDPR)** - We will not make any decisions without your consent which produce legal effects concerning you or similarly significantly affect you and that are based exclusively on automated processing (including profiling).
- 12.9. **Guarantees** - To the extent that we indicate in this Privacy Policy that guarantees have been agreed to provide an adequate level of protection, you may request copies

of the relevant documents from our Data Protection Officer. If a guarantee exists in the form of participation in the Privacy Shield Program, you will find information and documentation here: [http://europa.eu/rapid/press-release\\_MEMO-16-434\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-434_en.htm).

- 12.10. **Consents** - If you consent to processing, this is voluntary, unless we inform you otherwise in advance, and the refusal of consent will not be sanctioned. You can withdraw your consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. Processing on a legal basis other than your consent will also be unaffected by such withdrawal. However, you may also exercise the above statutory rights in this respect (e.g. the right of objection pursuant to Sections 12.6 et seq.). In particular, you may withdraw any consent to the use of your e-mail address or telephone number for direct marketing at any time and may object to any further use of your e-mail address or telephone number for this purpose at any time, free of charge (other than communication costs payable to your provider).
- 12.11. **Right to Lodge a Complaint** - You have the right to lodge a complaint with a supervisory authority. This may include, among others, the supervisory authority responsible for your place of residence or the supervisory authority generally responsible for us (Section 1.3).
- 12.12. You can contact us in any form to exercise your rights, in particular to withdraw any consent you may have given, and especially our data protection officer also. You may be required to identify yourself to us as a data subject to exercise your rights.

### 13. Security

We have implemented extensive, industry standard technical and organisational measures to protect your personal data from unauthorised access and misuse.

### 14. Changes to this Privacy Statement

In the event of future changes to this Privacy Statement, you can retrieve old versions and information on the periods for which they were valid [here](#).

Arthrex GmbH

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