

## **Privacy Statement for BIOTRONIK Family App**

We respect your right to privacy. This Privacy Statement explains who we are, how we collect and process personal data about you in connection with the BIOTRONIK Family App (hereinafter referred to as "App"), and how you can exercise your data privacy rights.

If you have any questions or concerns about our use of your personal data, please contact us using the contact details provided at the bottom of this Privacy Statement.

We, BIOTRONIK SE & Co. KG, with head office in Woermannkehre 1, 12359 Berlin, Germany, are the controller of your personal data for the purposes of Article 4 (7) of the Regulation (EU) 2016/679 of the EU Parliament and Council of 27 April 2016 (General Data Protection Regulation - GDPR).

Please note that we are not responsible for any data collected and processed during the download of the App from an app store, e.g. Apple's App store or Google's Google Play Store. For further information on this topic, please check the privacy statements of your app store.

### **What personal data do we collect and why?**

The personal data that we collect about you falls into the following categories:

- *Information that you provide during your registration*

When you start using BIOTRONIK Home Monitoring® Services as a patient (hereinafter referred to as an "HM User") you will be asked to provide a variety of personal data as part of the registration process. These details will include your first and last name, your CardioMessenger's device serial number and that of your medical device, your e-mail address and the password of your choice.

If you are not an HM User, you will be asked to provide the following personal data during registration: Your first and last name, e-mail address and the password of your choice.

During registration, we will also where necessary ask for your consent to send messages to you by e-mail or in-app messaging inviting you to participate in surveys to collect your feedback on the user friendliness of the app and on your user experience. Your consent to take part in such surveys is entirely voluntary and will have no effect on the functionality of the App.

- *Information that you make available on the "Health Assistant" or "Overview" (exclusively for the use of HM Users)*

In order to be able to use the App you will need to enter details on your mood under the headings "Mood Diary" after completing your daily log-in. Enter a value along a scale (e.g. "OK", "Great", etc.).

You also have the option of entering further voluntary information (including comments, photos and voice recordings, for example) on your personal well-being, under the heading "Mood Diary".

You can also make your Apple Health and/or Google Fit information available if you wish by authorizing the App to access the relevant data stored in Apple Health or Google Fit, which will allow it to transfer that data from the relevant source app.

When using the App, your data from the Home Monitoring Service Center (HMSC) – which is updated daily – is also transferred to the App and made available in its "Health Assistant" and "Overview" section.

The information stored in "Health Assistant" and "Overview" is used to make our services available to you.

**This information includes sensitive personal data, including details on your health, and may, where you have provided photographs or voice recordings, include information on your race or ethnic origin, or on your religious beliefs. We need such information if you want to use all functions available on the App to the full. During the registration process, we ask you separately to give your consent to us using such sensitive personal information in order to equip the App for your use.**

In addition, you also have the option of consenting to other persons (e.g. family members, friends and nurses) – hereinafter referred to as "caregivers" – to view the information provided by you under the headings "Health Assistant" and "Overview" by adding them into the system, either when registering for the App or later in your App's "Settings".

The App gives caregivers merely viewing access to your data; it does not allow them to forward or share that information with anyone else within the App.

If you enter a caregiver, by doing so you consent to that person accessing the information provided in your "Overview" and "Health Assistant" sections – including such sensitive personal data as your health data.

If you no longer wish any caregiver to have access to "Overview" and "Health Assistant", then you can delete that person from the App at any time in its "Settings" section. The caregiver will then be no longer able to view your private areas.

- Information that we collect automatically (data on usage)

While you are using our App, we collect certain information automatically from your device.

To be specific, the information we collect automatically will include your device's unique ID and information on other applications on your device, along with a variety of other technical information. We also collect information about how you and your device have interacted with our App, including the sections you have accessed and links you have clicked.

## **For what purpose and on which legal basis do we process your personal data?**

We process your personal data for the following purposes:

- **To equip the App and its functionalities for your use.** Legal basis: Performance of our contract in accordance with our General Terms and Conditions for the Use of the App. This legal basis covers all types of data mentioned above. **In cases where particularly sensitive data (health data, information on race or ethnic origin, or on religious belief) is processed, the legal basis upon which that processing is carried out will be your consent.**
- **Detecting or preventing illegal activities.** Legal basis: Our legitimate interest in protecting ourselves and our users from the threat of illegal activities and data security risks. This legal basis relates to registration data and usage data.
- **Monitoring and improving our App and services.** Legal basis: Our legitimate interest in ensuring that our App and systems are working correctly and in adjusting our App in order to enhance customer experience. This legal basis relates to registration and usage data.
- **Invitations to participate and participation in surveys.** Legal basis: Our legitimate interest in being in a position to adjust our products and services to better meet your needs; in addition to your consent.
- **To comply with a legal requirement.** Legal basis: The relevant legal provision. This legal basis relates to all types of data mentioned above.

If you have questions about or need further information concerning the legal basis upon which we use your personal information, please contact us using the contact details provided under the “How to contact us” heading below.

## **With whom do we share your personal data?**

We disclose your personal data to the following categories of recipients:

- To our affiliated companies, third-party services providers and partners.
- To your caregiver(s) (only where you have authorized access to your health data and/or other personal information to one of the caregivers you have chosen and have thereby given your consent, will we pass these health data and/or other personal information on to the relevant caregiver.)
- To any competent law enforcement body, regulatory organ, government agency, court or other third party where we believe disclosure is necessary (i) by virtue of applicable law, (ii) in order to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person.

## **How do we keep your personal data secure?**

We use appropriate technical and organizational measures to protect the personal data that we collect and process relating to you. The measures we use are designed to provide a level of security appropriate to the risk posed by our processing of your personal data.

## **Where do we process your personal data?**

Your personal information is stored only on servers located within the European Economic Area.

### **For how long do we store your data?**

We delete all personal data as soon as the purpose for which it is being stored no longer applies. We store personal data beyond this point in time only to the extent that its processing may be necessary:

- in order to comply with a legal obligation that requires its processing by virtue of EU or national law to which we are subject; or
- In order to establish, exercise or defend legal claims.

### **Your data protection rights**

You have the following data protection rights:

- If you wish to **access, correct, update or request deletion** of your personal information, you can do so in the App under "Settings" at any time.
- If you wish to obtain a confirmation from us as to whether personal data concerning you is being processed, and, where that is the case, to obtain access to your personal data, you can exercise such rights by contacting us via e-mail at [pilotphase@biotronik.com](mailto:pilotphase@biotronik.com).
- In addition, you can under certain circumstances also **object to the processing** of your personal data, request us to **conduct that processing within particular limits** or **request the transfer** of your personal data. In this case, too, you can exercise these rights by contacting us via e-mail at [pilotphase@biotronik.com](mailto:pilotphase@biotronik.com).
- You have the right to **unsubscribe from survey communications and to cease your participation in surveys** at any time. You can exercise that right by contacting us by email at [pilotphase@biotronik.com](mailto:pilotphase@biotronik.com).
- Similarly, wherever you have given your consent for us to collect and process your personal data, then you can **withdraw your consent** at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal of consent, nor will it affect any processing of your personal data carried out on a legal basis other than your consent. Withdrawing your consent will leave you unable to continue to use the Family App and your account. Your withdrawal of consent will therefore require the immediate deletion of your account. To delete your account, go to "Settings > Delete Account" in the Family App.
- You have the **right to lodge a complaint** with a data protection authority in relation to our collection and use of your personal data. For more information, please contact your local data protection authority.
- Finally, you have the right to object at any time to the processing of your personal data in accordance with Art. 6 (1) lit f GDPR, on grounds relating to your particular situation (Art. 21 (1) GDPR). In any case in which we process your personal data in accordance with Art. 6 (1) lit f GDPR for the purpose of pursuing a legitimate interest, you have the right to object to such usage at any time without any need to state reasons for your objection (Art. 21 (2) GDPR).

## **How to contact us**

### **Data Protection Officer**

For questions regarding the processing of your personal data, please contact our Data Protection Officer directly, who is available to deal with requests for information, applications and complaints. The Data Protection Officer can be reached at [datenschutz@biotronik.com](mailto:datenschutz@biotronik.com) or via our mailing address, BIOTRONIK SE & Co. KG, Woermannkehre 1, 12359 Berlin, Germany, adding the term "der Datenschutzbeauftragte" (English: "Data Protection Officer").