

## Privacy Notice for BIOTRONIK Patient App

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

We, BIOTRONIK SE & Co. KG, based in Woermannkehe 1, 12359 Berlin, Germany, are the controller of your personal data in the sense 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. You may check the privacy note of your respective app store for further information.

### 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  
During the registration you are asked to provide certain personal information. This includes first and last name, device serial number, email address and a chosen password.
- Information that you provide via "My Patient ID Card"  
When using the App you may voluntarily provide us with information **regarding your cardiac implant and your medical history regarding the cardiac implant**. This information includes: Your first and last name, postal address, telephone number, date of birth, gender, details about the hospital of implant and doctor in charge, date of implantation, device type, model and manufacturer as well as lead position and model. **This information includes health-related information which is sensitive personal information. We need this information if you want to use all functions of the App. We ask you separately during your registration for your consent regarding the use of said (health-related) information for the purpose of providing the App to you.**
- Information that we may collect depending on your use of the App:  
When using the App your physician may decide to link the BIOTRONIK Home Monitoring Service Center (HMSC) to your App. If linked, the App will transmit the information you entered (e.g. symptoms data) to the HMSC and receive data (e.g. patient ID data, callback request, transmission status) from the HMSC in an encrypted form using mobile cellular technology. Some parts of this information may be updated daily in the HMSC and made available in the "Implant" and in the "My Patient ID card" section of the App.

We will ask for your consent to use information entered by you in the App within the HMSC. **Depending on the information you add (e.g. symptoms) this could also include health-related information.** Information within the HMSC, including the Symptoms Information, is available to your physician to use for the fulfilment of the medical treatment contract between you and your physician and to integrate into your medical record. Please note that regarding the services provided by the HMSC to your physician we act as a data processor for your physician who is the controller of the data.

We will also ask for your consent to send you invitations via email or in-app messages to participate in surveys regarding feedback on the usability and performance of the App.

- *Information that we collect automatically*

When you use our App, we collect certain information automatically from your device.

Specifically, the information we collect automatically includes your device's unique ID and information about other apps on your device, broad geographic location (e.g. country or city-level location) and other technical information. We also collect information about how you and your device have interacted with our App, including the sections accessed and links clicked.

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

We process your personal data for the following purposes:

- **Providing the App and its functionalities to you.** Legal basis: Performance of contract in accordance with our General Terms and Conditions for the Use of the App. This affects all types of data mentioned above. In case of processing of health-related data the legal basis will be your consent.
- **Detecting or preventing illegal activities.** Legal basis: legitimate interest which is to protect us and our users from illegal threats and data security risks. This affects registration data and usage data.
- **Monitoring and improving our App and services.** Legal basis: legitimate interest which is to ensure that our App and systems are working properly and to improve our App for the enhancement of the customer experience. This affects registration data and usage data.
- **Invitation to participate in surveys.** Legal basis: The legal basis is your consent.
- **To comply with a legal requirement.** Legal basis: The respective legal provision. This affects all types of data mentioned above.

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

### **Who do we share your personal data with?**

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

- To our group companies, third party services providers and partners.
- Your physician.
- To any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) 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 organisational measures to protect the personal data that we collect and process about you. The measures we use are designed to provide a level of security appropriate to the risk of processing your personal data.

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

Your personal information is solely stored on our servers located within European Economic Area.

### **Data retention**

We delete personal data as soon as the purpose of storage does not apply any longer. We only store personal data beyond this point in time to the extent that processing is necessary:

- For compliance with a legal obligation which requires processing by EU or national law to which we are subject; or
- For the establishment, exercise or defence of legal claims.
- For medical purpose

### **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 "My Patient ID > Patient Data" at any time.
- If you want to obtain from us confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, obtain access to the personal data you can exercise these rights by contacting us via email at [patientapp.support@biotronik.com](mailto:patientapp.support@biotronik.com).
- In addition, in certain cases, you can **object to processing** of your personal data, ask us to **restrict processing** of your personal data or **request portability** of your personal data. Again, you can exercise these rights by contacting us via email at [patientapp.support@biotronik.com](mailto:patientapp.support@biotronik.com).
- You have the right to **unsubscribe from survey communications** we send you at any time. You can exercise this right by unsubscribing from communication regarding surveys under "Account > Account Settings" in the App.
- Similarly, if we collect and process your personal data with your consent, 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, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent. You can withdraw your consent in the App under "Account > Account Settings".
- You have the **right to complain to a data protection authority** about 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, which is carried out in accordance with Art. 6 (1) lit f GDPR, for reasons that result from your particular situation (Art. 21 (1) GDPR). If we process your personal data in

accordance with Art. 6 (1) lit f GDPR for direct advertising purposes, you have the right to object to this at any time even without stating reasons (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 will also be available to deal with requests for information, applications, or 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 with the addition "der Datenschutzbeauftragte" (English: "Data Protection Officer").

### **For California Residents Only:**

In addition to the rights as explained in this Privacy Notice, under California's "Shine the Light" law, California residents who provide personal information (as defined in the statute) to obtain products or services for personal, family, or household use are entitled to request and obtain from us, once a calendar year, information about the personal information we shared, if any, with other businesses for marketing uses. If applicable, this information would include the categories of personal information and the names and addresses of those businesses with which we shared such personal information for the immediately prior calendar year (e.g. requests made in the current year will receive information about the prior year). To obtain this information please write to us at [patientapp.support@biotronik.com](mailto:patientapp.support@biotronik.com).