

Privacy Policy - BIOTRONIK Australia Pty Ltd

BIOTRONIK Australia is committed to providing quality services to you and this policy outlines our ongoing obligations to you in respect of how we manage your personal information.

We comply with the Australian Privacy Principles (**APPs**) contained in the Privacy Act 1988 (Cth) (**the Privacy Act**). The APPs govern the way in which we collect, use, hold, disclose and store your personal information.

A copy of the Australian Privacy Principles may be obtained from the website of the Office of the Australian Information Commissioner at www.oaic.gov.au.

1 What kinds of personal information do we collect?

Personal information is information or an opinion that identifies an individual or is reasonably capable of identifying an individual.

Generally, the kinds of personal information we collect are:

- contact and identification information such as your name, address, telephone number, email address, facsimile number and date of birth;
- banking and credit card details, for example, where you have purchased BIOTRONIK Australia's products and/or services;
- where you are acting on behalf of another entity (whether as an employee, director or other representative), details of that entity and your relationship with it;
- details of your implanted device;
- your clinical preferences to facilitate shared decision making between you and your treating health professional;
- sensitive information including:
 - health information where you consent to the collection of such information and if relevant to the provision of services to you or where you are applying for a position with BIOTRONIK Australia and such information is relevant to BIOTRONIK Australia's assessment of

whether you are able to perform the inherent requirements of a particular role; and

- criminal record information, where you are applying for a position with BIOTRONIK Australia and such information is relevant to BIOTRONIK Australia's assessment of whether you are able to perform the inherent requirements of a particular role; and
- other information required for BIOTRONIK Australia's functions and activities.

In some circumstances BIOTRONIK Australia may also hold other personal information provided by you.

2 How do we collect your personal information?

Your personal information is generally collected from you, including through interviews, correspondence, by telephone and facsimile, by email and via our website <https://www.biotronik.com/en-au/>.

Where reasonable and practicable to do so, we will collect your personal information only from you. However, in some circumstances we may be provided with information by third parties. In such a case we will take reasonable steps to ensure that you are made aware of the information provided to us by the third party, such as from:

- your treating health professional;
- the hospital where your medical device was implanted
- an entity you represent (including but not limited to your employer or a company of which you are a director), where necessary for BIOTRONIK Australia to provide its products and/or services to that entity through you;
- an information services provider;
- a publicly maintained record or other publicly available sources of information including social media, your website, media and publications and similar websites; or
- a government agency.

We do not guarantee that website links or policies of authorised third parties comply with applicable privacy laws.

3 Why do we collect your personal information?

We collect, hold, use and disclose your personal information for the primary purpose of:

- providing our products and/or services to you;
- accounting, billing and other internal administrative purposes;
- assessing your application for employment with BIOTRONIK Australia or otherwise for the purpose of engaging you as a contractor or consultant;
- to facilitate order processing and shipping;
- for internal administration purposes;
- to detect and deal with data breaches, illegal activities and to maintain the integrity of our information technology systems;
- to facilitate your care when you are seeing a doctor who is not your usual health professional;
- for marketing purposes; and/or
- any other legal requirements.

We may also use your personal information for purposes related to the above purposes, in circumstances where you would reasonably expect such use or disclosure or where you have consented or the use is otherwise in accordance with law.

Where personal information is used or disclosed, BIOTRONIK Australia takes steps reasonable in the circumstances to ensure it is relevant to the purpose for which it is to be used or disclosed. You are under no obligation to provide your personal information to BIOTRONIK Australia. However, without certain information from you, BIOTRONIK Australia may not be able to provide its products and/or services to you.

In addition, we may use and disclose your personal information in order to inform you of products and services that may be of interest to you. In the event that you do not wish to receive such communications, you may unsubscribe from our mailing/marketing lists at any time by contacting us in writing at the contact details below at section 9.

When we collect personal information we will, where appropriate and where possible, explain to you why we are collecting the information and how we plan to use it.

4 Sensitive Information

Sensitive information is defined in the Privacy Act to include personal information about matters including your health information.

Sensitive information will be used by us only:

- for the primary purpose for which it was obtained (identified above at section 3);
- for a secondary purpose that is directly related to the primary purpose; or
- with your consent; or where required or authorised by law.

5 Disclosure of personal information

BIOTRONIK Australia discloses your personal information for the purpose for which it collects it, i.e. for a purpose set out at section 3. This may include disclosing your personal information to:

- third parties engaged to perform administrative or other business management functions, including debtor management;
- people or entities considering acquiring an interest in our enterprise or assets;
- our professional advisors, contractors and consultants;
- our related bodies corporate and affiliated entities within our global group of companies worldwide, including without limitation our parent company, BIOTRONIK SE & Co KG;
- insurance providers; and
- regulatory bodies if and as necessary.

Any disclosures of your personal information to third parties are on a confidential basis and/or otherwise in accordance with law. We may also disclose your personal information with your consent or if disclosure is required or authorised by law.

6 Overseas Disclosures

We may disclose your personal information to overseas recipients in order to provide our services and/or products and for administrative or other business management purposes. It is impracticable to list all countries in which recipients may be located. However, we are likely to disclose your personal information to our parent company in Germany and to other related bodies corporate.

7 Security of personal information

Your personal information is stored in a manner that reasonably protects it from misuse, interference and loss and from unauthorised access, modification or disclosure.

We hold your personal information in both hard copy and electronic forms in secure databases on secure premises, accessible only by authorised staff.

When your personal information is no longer needed for the purpose for which it was obtained, we will take reasonable steps to destroy or permanently de-identify your personal information. However, most of the personal information is or will be stored in client files which will be kept by us for a minimum of 7 years.

8 Access to your personal information

You may access the personal information we hold about you and arrange for it to be updated and/or corrected, subject to certain exceptions. If you wish to access your personal information, please contact us in writing at the address listed below at section 9.

BIOTRONIK Australia will not charge any fee for your access request.

In order to protect your personal information we may require identification from you before releasing the requested information.

If we refuse your request to access or correct your personal information, we will provide you with written reasons for the refusal and details of complaint mechanisms. We will also take steps reasonable in the circumstance to provide you with access in a manner that meets your needs and the needs of BIOTRONIK Australia.

We will endeavour to respond to your request to access or correct your personal information within 30 days from your request.

9 Contact

For further information or enquiries regarding your personal information or our Privacy Policy, or if you would like to opt-out of receiving any promotional or marketing communications, please contact BIOTRONIK Australia's Data Privacy Officer at:

[BIOTRONIK Australia Pty Ltd](mailto:dataprivacyofficer.anz@biotronik.com)
dataprivacyofficer.anz@biotronik.com
(02) 9497 3700

10 Complaints

Please direct all privacy complaints to BIOTRONIK Australia's Data Privacy Officer. At all times, privacy complaints:

- (a) will be treated seriously;
- (b) will be dealt with promptly;
- (c) will be dealt with in a confidential manner; and
- (d) will not affect your existing obligations or affect the commercial arrangements between you and BIOTRONIK Australia.

BIOTRONIK Australia's Data Privacy Officer will commence an investigation into your complaint. You will be informed of the outcome of your complaint following completion of the investigation. In the event that you are dissatisfied with the outcome of your complaint, you may refer the complaint to the Office of the Australian Information Commissioner.

11 Maintaining the Quality of your personal information

It is important to us that your personal information is up to date. We will take reasonable steps to make sure that your personal information is accurate, complete, up-to-date, relevant and not misleading. If you find that the information we have is not up to date or is inaccurate, please advise us as soon as practicable so we can update our records and ensure we can continue to provide quality services to you.

12 Policy Updates

This Policy may change from time to time and is available on our website.

13 European Data Protection Laws

Section 13 applies if you are based in the European Union (**EU**) during your interactions with us and sets out the additional information that we are required to provide to you under European data protection laws.

Under EU data protection laws, use of personal information (referred to under EU laws as 'personal data') must be based on one of a number of legal grounds and we are required to set out the grounds in respect of each use.

13.1 Legal grounds for use of personal information

The principal legal grounds for our use of your personal information are as follows:

- **Consent:** where you have consented to our use of your personal information.
- **Contract performance:** where we are required to collect and handle your personal information in order to provide you with the products and services that we have contractually agreed to provide to you.
- **Legal obligation:** where we need to use your personal information to comply with our legal obligations.
- **Legitimate interests:** where we use your personal information to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your data protection rights.

The legal grounds for our use of the sensitive categories of personal information are:

- **Consent:** where you have explicitly consented to our use of your personal information. You may withdraw your consent to our use of your personal information.
- **Vital interest:** where we need to process your personal information in order to protect the vital interests of you or another

natural person where you or the other person is physically or legally incapable of giving consent.

- **Legal claims:** where your personal information is necessary for us to establish, exercise or defend any legal claims.
- **Substantial public interest:** where we need to process your personal information for reasons of substantial public interest set out in EU law.

13.2 Relevant grounds that apply to each purpose of processing your personal information

In the table below, we have set out the relevant grounds that apply to each purpose of processing your personal information that is mentioned in this Privacy Policy.

Purposes of the processing	Legal grounds
To provide you with our products and services	<ul style="list-style-type: none"> ▪ contract performance ▪ legitimate interests (to allow us to perform our obligations and provide our products and services to you) <p>For sensitive personal information</p> <ul style="list-style-type: none"> ▪ consent
For accounting, billing and other internal administrative purposes	<ul style="list-style-type: none"> ▪ contract performance ▪ legal obligation ▪ legitimate interests (to allow us to correspond with you)
Assessing your application for employment or other arrangement	<ul style="list-style-type: none"> ▪ contract performance ▪ legitimate interests
To facilitate order processing and shipping	<ul style="list-style-type: none"> ▪ legitimate interests (to allow us to perform our obligations and provide our products and services to you)

Purposes of the processing	Legal grounds
For internal administration purposes	<ul style="list-style-type: none"> ▪ legitimate interests (to allow us to perform our obligations and provide our products and services to you)
To detect and deal with data breaches, and to maintain the integrity and safety of our data technology systems	<ul style="list-style-type: none"> ▪ legal obligation ▪ legitimate interests (to cooperate with law enforcement and regulatory authorities) <p>For sensitive personal information</p> <ul style="list-style-type: none"> ▪ legal claims ▪ substantial public interest
To facilitate your care when you are seeing a doctor who is not your usual contact	<ul style="list-style-type: none"> ▪ legitimate interests (to allow us to perform our obligations and provide our products and services to you) <p>For sensitive personal information</p> <ul style="list-style-type: none"> ▪ consent
For marketing purposes	<ul style="list-style-type: none"> ▪ legitimate interests (in order to market to you) and consent (which can be withdrawn at any time)

13.3 Disclosure of information outside the EU

Your personal information will be transferred to, and accessed in, countries both within and outside of the EU and we may be required by law to take specific measures to safeguard your personal information. Certain countries outside the EU have been approved by the European Commission as providing essentially equivalent protections to EU data protection laws and therefore no additional safeguards are required to export personal information from the EU to these jurisdictions. In countries which have not had these approvals, we will use appropriate safeguards to protect any personal information being transferred, such

as enhanced IT security measures and entering into standard contractual clauses.

13.4 Retention period

Our retention periods for personal information are based on business needs and legal requirements. We retain personal information for as long as is necessary for the processing purpose(s) for which the information was collected, and any other permissible, related purpose. For example, we may retain certain transaction details and correspondence until the time limit for claims arising from the transaction has expired, or to comply with regulatory requirements regarding the retention of such information. When personal information is no longer needed, we either securely destroy it, or irreversibly anonymise the information (and we may further retain and use the anonymised information).

13.5 Additional Rights Under EU Law

In addition to the rights outlined elsewhere in this Privacy Policy, under certain conditions you may have the right under EU data protection law to ask us to:

- provide you with further details on how we use and process your personal information;
- delete personal information we no longer have grounds to process; and
- restrict how we process your personal information while we consider an inquiry you have raised.

In addition, under certain conditions, you have the right to:

- where processing is based on consent, withdraw the consent;
- lodge a complaint with a supervisory authority;
- object to any processing of personal information that we process on the 'legitimate interests' or 'public interests' grounds, unless our reasons for the underlying processing outweighs your interests, rights and freedoms;
- object to direct marketing (including any profiling for such purposes) at any time; and

- consent to personal information that you have provided to us being transmitted to another controller, where the personal information is processed electronically.

You can exercise these rights by contacting us at the details set out at section 9 above.

These rights are subject to certain exemptions to safeguard the public interest (e.g. the prevention or detection of crime) and our interests (e.g. the maintenance of client legal privilege).