

ELITechGroup S.p.A

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Registered Office

Sede Legale

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PRIVACY STATEMENT

ELITechGroup S.p.A. is constantly committed to respecting the privacy of the natural persons with which it comes into contact, in accordance with Regulation (EU) No. 679/2016 ("**GDPR**") and with Italian privacy legislation (Legislative Decree 196/2003 as amended, known as the "**Privacy Code**").

Pursuant to articles 13 and 14 of the GDPR, we therefore provide you, below, with the necessary explanations of how we will use and process the personal data you submit to us directly or that we acquire from your company within the framework of our commercial relationships (hereinafter "**Personal Data**" or simply "**Data**").

This Privacy Statement applies to the Data of natural persons and sole traders who are our customers, as well as the Data of employees of companies that purchase our products.

1. DATA CONTROLLER

The Data Controller is ELITechGroup S.p.A. with registered office in Milan, Corso Italia 22 (hereinafter "**ELITech**" or "**we**"), which is responsible for the fair and lawful processing of your Data.

2. THE PERSONAL DATA THAT WE PROCESS

The Data that will be processed by us includes all Personal Data (such as general information, gender, date and place of birth, nationality, citizenship, company and personal contact data - e.g. email address, postal address, telephone number - company and/or healthcare facility by which you are employed, company position, tax ID code, VAT number, data included in your identity document) that you submit to us or that we otherwise acquire in the course of negotiation, conclusion and/or execution of the commercial relationship that we enter into with you or with the company for which you work.

3. Purpose and LEGAL BASIS OF DATA PROCESSING

(a) The Data defined in paragraph 2 above will be processed in order to:

- i) enable us to fully and properly execute the commercial relationship established with you or with the company for which you work, e.g. for the purpose of creating and subsequently managing the customer database within our business management system, fulfilling purchase orders, managing customs procedures where applicable, providing maintenance and technical support for products, managing possible complaints and investigations, carrying out supervisory activities (including sending security alerts), organizing trips and demo visits, issuing invoices and obtaining payment of the amounts due to us;

The **legal basis** for the processing of your Personal Data for purpose i) is the need to **execute the commercial relationship** between us or between ELITech and the company for which you work, pursuant to art. 6.1(b) of the GDPR.

- ii) to fulfill legal obligations accruing to ELITech under statutory, fiscal and accounting regulations (including the obligation to retain accounting records), obligations

relating to the surveillance of products and medical devices, and foreign regulatory obligations;

The **legal basis** for the processing of your Personal Data for purpose *ii*) is the need to **fulfill a legal obligation** to which the data controller is subject pursuant to art. 6.1(c) of the GDPR.

- iii*) providing commercial information and sending communications and commercial offers, newsletters and invitations to events by automated means (e.g. email, SMS, MMS) or traditional means (e.g. telephone calls with operator, post).

The **legal basis** for the processing of your Personal Data for purpose *iii*) is your **consent** pursuant to art. 6.1(a) of the GDPR.

(b) Your Data will also be processed for the following additional purposes:

- i*) to ascertain, exercise or defend our rights in judicial proceedings, and to receive fiscal, legal or notarial support;

The **legal basis** for the processing of your Personal Data for purpose *i*) is our **legitimate interest** in exercising or defending our rights in judicial proceedings (pursuant to art. 6.1.(f) of the GDPR), over which, we believe, no rights, interests or fundamental freedoms of yours prevail.

- ii*) to grant you access to our offices and workplaces, and to meet the needs of protecting company assets and ensuring safety and security within ELITech's workplaces.

The **legal basis** for the processing of your Personal Data for purpose *ii*) is our **legitimate interest** in protecting company assets and ensuring a high level of safety and security within ELITech's workplaces pursuant to art. 6.1(f) of the GDPR. We believe that no right, interest or freedom of yours prevails over our said legitimate interest.

4. DATA RECIPIENTS - DATA TRANSFER TO THIRD COUNTRIES/INTERNATIONAL ORGANIZATIONS

a) SCOPE OF MOVEMENT OF PERSONAL DATA

Within the framework of Data processing for the purposes described in point 3 above, your Personal Data may be communicated to companies belonging to the ELITech Group or made accessible to third parties belonging to the following categories:

- IT consultants and providers of IT management/maintenance services for company information systems (including business software);
- ERP service providers;
- email service providers;
- quality management software suppliers;
- couriers and freight forwarders;
- logistics service providers and commercial partners;
- subcontractors;
- sales agents;
- product testing and certification bodies;
- banks, banking companies and factoring companies;
- providers of invoicing services in respect of the Public Administration by means of the exchange system;
- travel agencies / companies providing car rental services with or without driver / hotels / airlines – rail transport companies;

- consulates, prefectures and public authorities in general responsible for issuing residence permits (VISAS);
- insurance companies / brokers;
- the competent health and financial administration authorities;
- providers of system interface services (middleware and ELITware);
- technical support software management/maintenance service providers;
- companies that deal with bulk transmission of promotional emails/newsletters;
- audit companies and supervisory boards;
- external quality consultants, and legal and tax consultants;
- in the event of an emergency, public safety authorities.

Where necessary, we shall appoint third-party external Data Processors pursuant to art. 28 of the GDPR.

Upon request sent to us using the contact details provided in point 7 below, we shall inform you of the identity of the third parties to whom your Data have been communicated.

Within our company organization, your Data will be communicated and processed by SAD-OP, Finance, Purchasing, Quality & Assurance Regulatory Affairs, Tender & Contract, Sales & Marketing, HR, Service (technical/scientific support), Technical Support, Logistics, Field Product Specialist, Clinical Validations, Research & Development and Secretarial personnel, and by the Operations Manager, company officers authorized to sign purchase orders and warehouse personnel where applicable. All of the above will be duly authorized and instructed by us in data processing pursuant to art. 29 of the GDPR.

b) INTERNATIONAL TRANSFER OF PERSONAL DATA

Within the framework of the purposes defined in 3(a)(i), your Data may be communicated to our commercial partners and to parties involved in various capacities in the management and execution of commercial relationships between you and ELITech or between ELITech and the company by which you are employed, which, depending on circumstances, may be located in countries outside the European Economic Area ("EEA"). In the absence of an adequacy decision pursuant to art. 45 of the GDPR, any transfer of data outside the EEA will be carried out in accordance with the model contractual clauses approved by the European Commission (in particular, the model contractual clauses contained in "Set II" of the annex to EU Commission decision No. 2004/915/EC, which is available at the following link: <http://www.garanteprivacy.it/home/provvedimenti-normativa/normativa/normativa-comunitaria-e-intenazionale/trasferimento-dei-dati-verso-paesi-terzi>) or, in the absence thereof, in accordance with art. 49.1(b) or (c) of the GDPR, insofar as is necessary for the execution of the employment contract between us or the execution of a contract in your favor or in favor of the company for which you work, it being understood that the transfer of your Personal Data will be limited to the Data strictly necessary to the pursuit of the aforesaid purposes.

5. DATA RETENTION PERIOD

(i) Data processed for the purposes defined in 3(a)(i) and 3(a)(ii) will be stored in our archives for the entire duration of our contractual relationship with you or with the company by which you are employed. At the end of this period, your Data will be retained for a further period of 10 years in order to comply with requirements relating to inspections by the competent authorities, legal obligations of a statutory, fiscal and accounting nature, legal obligations pertaining to product and medical device surveillance, foreign regulatory obligations, and for the purposes of exercising or defending our rights in judicial proceedings.

Once our commercial relationship ceases, the processing of your Personal Data will be restricted to the storage and safekeeping of said Data, unless it needs to be otherwise processed in connection with legal action or by virtue of a legal obligation, including in relation to product and medical device surveillance.

Notwithstanding the foregoing, any Data contained in documents relating to the opening and management of complaints and investigations about products and medical devices commercialized by ELITech will be retained until the end of the “life” of the product and/or medical device. Upon expiry of this period, the Data will be retained for a further period of:

- 5 years in order to comply with the obligations imposed by European legislation on medical devices;
- 10 years for the purposes of exercising or defending our rights in judicial proceedings.

In the event of a dispute, your Personal Data will be processed for as long as is necessary in relation to the said dispute.

(ii) the Data processed for the purpose defined in paragraph 3(a)(iii) will be retained for 3 years from the time at which it is recorded in our systems.

(iii) the Personal Data processed for the purpose defined in 3(b)(i) will be retained for a period not exceeding 10 years, without prejudice to the fact that, in the event of a dispute, the Personal Data will be processed for as long as is necessary in relation to the said dispute.

(iv) Personal Data relating to access to our offices and workplaces (purposes defined in 3(b)(ii)) will be erased 12 months after the time at which it is entered in our records.

In general, upon expiry of the retention periods specified above, your Personal Data will be erased.

6. MANDATORY OR OPTIONAL NATURE OF THE SUBMISSION OF DATA – CONSEQUENCES OF REFUSAL.

The submission of your Data for the purposes defined in points 3(a)(i) and 3(a)(ii) above is a necessary requirement for concluding and executing our commercial relationship. In the event of your refusal, therefore, we will not be able to establish or pursue said relationship.

The submission of your Data for the purposes defined in 3(a)(iii) is optional and you may object to the processing thereof for direct marketing purposes, without prejudice to the lawfulness of the processing of your Personal Data based on your consent and undertaken before its withdrawal.

Lastly, should you choose not to submit your Personal Data for the purposes defined in 3(b)(ii), you will not be able to access our offices or workplaces.

7. DATA SUBJECT’S RIGHTS

Pursuant to articles 13, paragraph 2 b), c) and d), 15, 16, 17, 18, 19, 20 and 21 of the GDPR, we inform you that:

- a) You have the right to ask us for **access** to your Personal Data and for information regarding the purpose of its processing, the parties or categories of parties to which it has been or will be communicated (indicating whether such parties are located in third countries or are international organizations), when possible the period of retention of the Data or the criteria used to determine said period, the existence of your rights to rectify and/or erase your Personal Data, restrict or object to its processing, your right to file a complaint with a supervisory authority, the origin of the Data, and whether an automated decision-making process is used and if so, the logic applied to it. Should you exercise this right and unless you indicate otherwise, you will receive an electronic copy of the Data that we hold about you.
- b) You also have the right to obtain:
 - i. the **rectification** of your Data, if it is incorrect or incomplete;

- ii. the **erasure** of your Data, if any of the conditions established in art. 17 of the GDPR apply (e.g. your Data is no longer needed in relation to the purposes for which it was collected, you decide to revoke your consent to its processing – where this consent represents the legal basis for its processing and there is no other legal basis for its processing – you object to the processing and no other legitimate interest of the Data Controller prevails, your Data is processed unlawfully);
 - iii. **restriction** of the processing of Data about you 1) for the time it takes ELITech to ascertain the accuracy of your Data (if you have contested it), or 2) if the processing of your Data is unlawful and you request that its processing be restricted, rather than that the Data itself be erased, or 3) when ELITech no longer needs your Data but you need it to ascertain, exercise or defend a right in judicial proceedings, or, lastly, 4) for the time necessary to determine the possible prevalence of the lawful reasons of the Data Controller with respect to yours, where you have objected to the processing of your Personal Data pursuant to point c below;
 - iv. your Data in a structured, commonly used, machine-readable format, for purposes including its transmission to another data controller, where processing is based on consent or on a contract and is performed by automated means (right to **data portability**). If in your interest, you may ask ELITech to transmit your Data directly to another data controller, if technically feasible.
- c) You also have the right to **object** to the processing of your Personal Data, if it is processed pursuant to art. 6.1(e) (to fulfill a legal obligation to which the Data Controller is subject) or (f) (to pursue a legitimate interest of the Data Controller) of the GDPR, unless there are legitimate mandatory grounds for the Data Controller to proceed with processing pursuant to art. 21 of the GDPR.
- d) You also have the right to **withdraw your consent at any time** for the purpose described in point 3(a)(iii) above, without prejudice to the lawfulness of the processing of your Personal Data based on your consent and undertaken before its withdrawal.
- e) If you are not satisfied with the processing of your Data by us, you may **file a complaint** with the Italian data protection authority by following the procedures and guidance published on the authority's official website (www.garanteprivacy.it).
- f) Any rectification or erasure of your Data or restriction of its processing made at your request - unless this proves impossible or would involve a disproportionate effort - will be **communicated by us to each of the recipients** to which your Personal Data may have been transmitted in accordance with this statement.

Exercising the above rights is free of charge and is not subject to any constraint in terms of form. We can only ask you to verify your identity before taking further action in response to your request.

To exercise your rights you can contact ELITech by registered letter with proof of receipt to the addresses given in point 1 above, or by email to the following address: egspa.privacy@elitechgroup.com.

I confirm that I have read the above statement:

Date _____

Signature _____

With specific reference to the processing my Personal Data for the purpose described in point 3(a)(iii) of the above statement

I consent to the processing of my Personal Data for the purposes of providing commercial information and sending commercial communications, newsletters and invitations to events

YES []

NO []

Date _____

Signature _____