

## HCP Data Protection Notice

This HCP Data Protection Notice (the “**Data Protection Notice**”), dated May 25, 2018, describes how Zimmer Biomet Ltd. and its affiliates (“**Zimmer Biomet**”), as controllers, uses personal data of healthcare professionals (“**you**”) under the Agreement for HCP attending events hosted or funded by Zimmer Biomet (“**Agreement**”).

### **How we use your personal information**

Your personal data, which comprise the categories of your name, contact details, your medical specialty, tax registration number or equivalent, e-mail address, bank account number and other payment details, remuneration details, information about your experience and opinions about Zimmer Biomet and our medicines, details about your publishing activities, participation in meetings, seminars, advisory boards and conferences, information about your connection with other individuals or institutions, information about your participation in clinical trials and non-interventional studies, and information about language abilities and other professional skills, may be processed by us for the following purposes (“**Purposes**”):

- For relevant team members at Zimmer Biomet and third parties engaged by Zimmer Biomet, to be able to conduct anti-corruption due diligence and periodically renew due diligence on you in order to enable Zimmer Biomet to maintain the highest standard of quality and integrity in everything that we do;
- To process your nomination for rendering the Services;
- For Zimmer Biomet to prepare, conclude and take actions in relation to the (performance of the) Agreement;
- If applicable, for Zimmer Biomet to handle disputes and/or litigation with Zimmer Biomet in which you may be involved;
- In case certain laws or regulatory obligations require disclosure of information for Zimmer Biomet to comply with such laws and disclose such information as required;
- For Zimmer Biomet to carry out legal obligations pursuant to which Zimmer Biomet is obliged to process your personal data, such as processing invoices with your name on them for administration and tax purposes;
- To manage our contractual relationship with you, including the following examples: payment of honoraria and taxes and monitoring such payments for compliance with our internal procedures relating to engagements with healthcare professionals and experts; management of your travel and accommodation arrangements, if applicable; book-keeping; submission to public authorities under any applicable law; and for our own internal evaluation and business overview purposes.
- To contact you about opportunities for collaboration with Zimmer Biomet and about information on Zimmer Biomet’s products, based on your area of expertise.

- To comply with openness and transparency principles that are key for the medical devices industry. An objective of the industry is to increase the understanding about collaborations between medical devices companies and healthcare organizations and its co-workers. As part of this goal, transfers of value, e.g. consultancy fees, from medical devices companies to healthcare professionals and healthcare organizations are publicly disclosed according to local laws or ethics guidelines. The information remains publicly available in a format and for a duration that may vary in each country. Additional information about this can be provided by or requested from Zimmer Biomet.
- To assess and rank your level of expertise and skills against public sources (such as publications and conferences) and your prior engagements with us.
- In the event that we reasonably determine that you are in breach of (i) your obligations as set out in the Agreement with Zimmer Biomet, or (ii) the policies of Zimmer Biomet that impact on the Agreement, or (iii) the applicable laws and regulations relating to, for instance, fraud, anti-bribery or anti-corruption, Zimmer Biomet may include your personal data on a restricted persons list, created for information and control purposes to protect Zimmer Biomet and to be used internally within the companies of the Zimmer Biomet Group and by its third parties suppliers and/or collaborators, to the extent permissible by the applicable laws and regulations.

Your information and Personal Data will either be provided by you or it will be obtained from publicly available sources.

We may also use photographs and voice or video recordings and statements from you in connection with the services rendered on Zimmer Biomet's internal websites such as intranet pages and on a restricted member area of Zimmer Biomet's websites for informational and educational purposes.

We rely on different legal bases to use your personal data. These are:

- Compliance with a legal obligation – where we are subject to a specific legal obligation (in the EU this must be a legal obligation under EU or Member State law);
- Where applicable, your consent; and
- Legitimate Interests – where we have a legitimate business reason to process your personal data in relation to the services provided by you, which includes where we take steps to protect our business from risks such as litigation, fraud, corruption and bribery.

## Sharing your Personal Data

Zimmer Biomet does not sell, rent or trade your personal data. Zimmer Biomet may share your personal data with the following recipients:

- entities within the Zimmer Biomet group: this sharing occurs when it is necessary or

reasonably required to process the personal data, in view of our relationship with you;

- third party service providers: we share your personal data with service providers who provide services to us, such as IT and financial services providers (e.g. for the payment of the Services you render under the Agreement) and providers collecting information and performing anti-corruption due diligence on behalf of Zimmer Biomet. (These third party service providers can only process your personal data on instructions from Zimmer Biomet and they are not permitted to use your personal data for their own purposes);
- government authorities, law enforcement agencies or other third parties: we share your personal data with such parties if required by law or reasonably necessary to protect the rights, property and safety of others or ourselves;
- auditors and consultants to verify our compliance with external and internal requirements; statutory bodies, law enforcement agencies and litigants, as per a legal reporting requirement or claim; and
- our successor in title: we may share your personal data with any third party that purchases, or to whom we transfer, all or substantially or of our assets and business.

### **International Transfers of Data**

We may transfer your personal data to recipients in countries other than the country in which your personal data was originally collected. The laws in those countries may not offer the same level of data protection as the country in which the data were originally collected.

When we transfer your personal data to recipients in other countries, including other entities within the Zimmer Biomet group, we take steps to ensure that your data is protected in a manner consistent with the laws and requirements in your country, including the requirements that apply to cross-border data transfers. Zimmer Biomet has put in place an Intra-Company Data Transfer Agreement that is aligned with the EU Standard Contractual Clauses, and also enters into those Clauses with third party service providers that we may entrust with your data, or relies on other compliance methods (e.g. privacy shield certification of our US third party providers).

### **Retention of your personal data**

We will hold your personal data throughout the duration of your relationship with Zimmer Biomet. We will not retain your personal data for longer than is necessary but may retain your personal data if required for administration obligations, to defend our legal rights, or where we are subject to a statutory retention obligation.

### **Your Rights**

Under applicable laws, you may have the right to access your personal data that we process, the right to have such personal data corrected, erased or blocked, the right to seek restriction,

and the right to object to certain data processing activities. To exercise these rights, you can make a written request using our contact details set out below under 'How to Contact Us'. We may require you to provide additional information or documentation to identify you. Under applicable law, we may decide to refuse access to certain personal data, as well as correction, erasure or blockage, or restriction of or objection to the processing of certain personal data. We shall timely notify you of such decision.

You also have the right to make a complaint to a data protection authority about how we use your personal data.

### **Data Security**

We implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk of protecting the personal data you provide against accidental or unlawful destruction, loss, alteration, unauthorized disclosure of or access to personal data.

### **How to Contact Us**

If you have any comments or inquiries about this Data Protection Notice, or to exercise your rights, you may contact us by e-mail at [privacy.emea@zimmerbiomet.com](mailto:privacy.emea@zimmerbiomet.com). You may also write to: Zimmer Biomet EMEA Legal Department, at Zimmer GmbH Sulzerallee 8, 8404 Winterthur, Switzerland or Global Privacy Officer, P.O. Box 708 1800, West Center Street, Warsaw, Indiana 46581-0708, USA.