

Privacy Notice – Visionaire^o Patient Specific Surgical Guides

1. Introduction

This Privacy Notice is intended to describe the practices Smith & Nephew (“S+N”, “we”, “us”) follow in relation to the Visionaire^o Patient Specific Surgical Guides with respect to the privacy of all individuals whose personal data is processed and stored within the Visionaire^o data system. The Visionaire^o Case Management System provides a single, enterprise web-based on-line gateway application for customers allowing them to initiate surgery cases, upload patient images, monitor case progress and provide feedback. The nature, purpose, use and sharing of any Personally Identifiable Information (PII) collected via this website is defined in this statement.

2. Who manages the Visionaire system?

“Smith & Nephew” refers to one or more of the companies of the Smith & Nephew group, each of which is a separate legal entity and can act as a data controller in its own right. The entity that is acting as data controller by providing Visionaire^o on which your personal data will be processed and stored is Smith & Nephew Inc.

The personal data you provide when using Visionaire^o is shared by Smith & Nephew Inc. with one or more companies of the S+N group (see “Who can access your information” section below).

The Visionaire^o system is hosted on private Amazon Web Services Cloud Computing servers located in USA. Data received or stored is not made available to any individual or entity not defined in the sections below.

3. Why do we need your information?

Visionaire^o needs personal data of the Health Care Professional to ensure access to the Visionaire^o website, which allows you to create user profiles, schedule surgeries, and manage your account. This information also allows us to provide you with support as needed.

Visionaire^o requires patient identification data to ensure that each Surgical Guide is designed for the correct patient. This information is matched to the required medical images and to label the product correctly and is verified by the operating clinician at the time of use.

In addition, your data may be processed for the following:

- to complete the performance of a contract with you (including for example for your participation to professional education courses or events or for clinical or research activities);
- if applicable, for S+N to handle disputes and/or litigation in which you may be involved;
- to comply with openness and transparency principles that are key for the medical devices industry, and other statutory obligations;
- in case certain laws or regulatory obligations require disclosure of information for S+N to comply with such laws and disclose such information as required;
- de-identified/anonymized medical imaging may be used for analysis in product design and improvement for Visionaire^o or other S+N products

S+N relies on the following basis to legitimise the processing of your personal data in Visionaire^o system:

Article 6 (1)(b) of the GDPR - Performance of a Please note that it is your responsibility as a Health Care Professional to obtain consent from your patient when processing their personal data within Visionaire^o.

4. What type of personal data is processed in Visionaire^o?

The personal data received, stored or processed in the Visionaire^o system is sourced from the Health Care Professional, the staff of the Health Care Professional, or the S+N representative at the direction of the Health Care Professional:

- Health Care Professional
 - First Name
 - Last Name
 - Location: Address, City, Sate/Province, Country
 - Phone and/or Email address

If you choose to give us additional information, we will only use this to the extent to which it may be relevant to achieve the purposes of processing.

5. Sensitive Personal Data

Sensitive personal data reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning sex life or sexual orientation.

S+N does not intentionally collect any of your sensitive personal data via the Visionaire^o system. There is no intention to process such information. However, your patient's sensitive personal information such as Patient Height, Patient Weight, and Patient Sex may be made available to S+N Visionaire^o from standardized data fields within the patient medical imaging. This data is not required or used for Visionaire^o Patient Matched technologies.

S+N relies on the following basis to legitimize the processing of this type of personal data in Visionaire^o:

1. Article 6 (1)(b) of the GDPR - Performance of a Contract

Please note that it is your responsibility as a Health Care Professional to obtain consent from your patient when processing their personal information within Visionaire^o.

6. Cookies

Automatically collected files (browser cookies) may be transferred to or from your computer to facilitate the Visionaire^o website loading and configurations. Your computer will only share the information in the files with the Visionaire^o website that provided it, and no other website can request access to it.

The Visionaire^o website uses first-party session cookies only and does not install or transfer third party or persistent cookies. These temporary cookies are not stored on the computer disks of users of the site and are erased when the browser is closed. The Visionaire^o website uses session cookies to maintain the user's session and to track when a user has logged in to the site. The value of the session cookie is randomly generated and does not contain any user/business data. The value of the Logon cookie is encrypted using AES and only contains the username of the current logged in user.

Cookie Provider	Name	Purpose	Type	Cookie Duration
S+N	00A00949-4A9C-4F9F-8268-611F1BA84478	Session identifier : key to the session data which is stored in a back end ASPState database	First Party	Current Session
S+N	1C46A268-BF48-450D-B726-41B6A60C1C33	Contains the username of the current logged in user.	First Party	Current Session

S+N may also automatically collect information about the web content you view for use in site management and security purposes only, or in the event of a known security or virus threat. This information includes:

- Current Internet Protocol (IP) address used to access the Visionaire^o website;
- The operating system (e.g., Windows, Mac OS, Unix) used to access the Visionaire^o website;
- The type of browser (e.g., Firefox, Internet Explorer, Chrome) used to access the Visionaire^o website;
- The date and time of access the Visionaire^o website;
- The Universal Resource Locators (URLs), or addresses, of the pages visited;
- If the user visited the website from another website, the URL of the forwarding site

7. Who can access your information?

Your personal data is accessed in the Visionaire^o system by the following persons/teams:

- Visionaire^o personnel directly involved with the design, manufacture and production of the Patient Specific Guides;
- Third party service providers, limited to individuals involved with the design of the Patient Specific Guides (these third party service providers can only process your personal data on instructions from Smith & Nephew and they are not permitted to use your personal data for their own purposes); and
- Information and Cyber Security personnel as required to protect S+N systems and data.

S+N may also share your information in the Visionaire^o system with the following:

- Auditors and consultants to verify our compliance with external and internal requirements; statutory bodies, law enforcement agencies and litigants, as per a legal and ethics reporting or transparency requirement or claim; and
- 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

The access rights detailed above involves transferring personal data in various jurisdictions (including jurisdictions outside the European Union) in which S+N operates (S+N office locations are listed at www.smith-nephew.com/about-us/where-we-operate/). S+N will process your personal data in Visionaire^o system in accordance with applicable law and professional regulations in your jurisdiction. Transfers of personal data within the S+N network are governed by the appropriate legal basis.

8. Data retention

The personal data defined in Section 4 will be retained throughout the duration of your relationship with S+N and afterwards for retention periods as required for administration obligations, in compliance with regulatory

bodies governing medical devices, to defend our legal rights, or where we are subject to a statutory retention obligation.

Your personal data will be retained in compliance with privacy laws and regulations.

After the end of the data retention period or when the purpose for processing (see question 3 above) is complete, your personal data will be deleted.

9. **Security**

S+N is committed to making sure your personal data is secure. To prevent unauthorized access or disclosure, S+N has technical and organizational measures to safeguard and secure your personal data. All S+N personnel and third parties S+N engages to process your personal data are obliged to respect your data's confidentiality. Details of the methods and controls S+N employs to protect personal data can be found on the Visionaire^o website and within the Service Organization Control Report (SOC2).

10. **Controlling your personal data**

S+N will not transfer your personal data to third parties (other than any external parties referred to in section 6 above) unless we have your permission or are required by law to do so.

You are legally entitled to request details of S+N personal data about you.

To confirm whether your personal data is processed in the Visionaire^o system or to access your personal data in the Visionaire^o system, contact your S+N representative or email your request to privacyenquiries@smith-nephew.com.

11. **Rectification, erasure, and restriction of processing or data portability**

You can confirm your personal data is accurate and current. You can request rectification, erasure, and restriction of processing or a readily portable copy of your personal data by contacting your S+N representative or by sending an e-mail to privacyenquiries@smith-nephew.com

12. **Complaints**

If you are concerned about an alleged breach of privacy law or any other regulation, contact S+N Privacy team, via email at privacyenquiries@smith-nephew.com or via your S+N representative.

If you are not satisfied with how S+N resolved your complaint, you have the right to complain to your country's data protection authority. You can also refer the matter to a court of competent jurisdiction.

13. **Contact us**

If you have additional questions or concerns, contact your S+N representative or email privacyenquiries@smith-nephew.com.