

Zimmer Biomet Holdings, Inc.

Privacy Shield Privacy Policy

Last Updated: December 27, 2019

Zimmer Biomet Holdings Inc. and all of its U.S. affiliates and subsidiaries, including Accelero Health Partners, LLC, CD Diagnostics, Inc., CD Laboratories, Inc., and Medical Compression Systems, Inc. (collectively, “Zimmer Biomet U.S.”) respect your concerns about privacy. Zimmer Biomet U.S. participates in the EU-U.S. and Swiss-U.S. Privacy Shield frameworks (collectively, “Privacy Shield”) issued by the U.S. Department of Commerce. Zimmer Biomet U.S. commits to comply with the Privacy Shield Principles with respect to “Covered Personal Data” (as defined below) the company receives from the EU and Switzerland in reliance on the Privacy Shield. This Policy describes how Zimmer Biomet U.S. implements the Privacy Shield Principles for Covered Personal Data.

For purposes of this Policy:

“**Clinical Research Participant Personal Data**” means Personal Data pertaining to any individuals who have expressed an interest in participating in, or who have enrolled in, clinical trials if the data is under the custody or control of Zimmer Biomet U.S. or third parties retained by Zimmer Biomet U.S.

“**Covered Personal Data**” means the Personal Data for which Zimmer Biomet U.S. has certified to the Privacy Shield program pertaining to EU Individuals that is transferred to Zimmer Biomet U.S., which include: Clinical Research Participant Personal Data; Patient Personal Data; Customer Personal Data; Supplier Personal Data; and Website User Personal Data. Covered Personal Data excludes any Personal Data of Workforce Members.

“**Controller**” means a person or organization which, alone or jointly with others, determines the purposes and means of the processing of Covered Personal Data.

“**Customer Personal Data**” means any Personal Data pertaining to Zimmer Biomet U.S.’s actual or potential customers’ personnel including, for example, healthcare providers, hospital administrators, and individuals working for organizations that purchase or are evaluating purchasing Zimmer Biomet products.

“**EU Individuals**” are individuals who are residents of the European Union and Switzerland, excluding any Workforce Members.

“**European Union**” or “**EU**” means the European Union and Iceland, Liechtenstein, Norway, and United Kingdom.

“**Patient Personal Data**” means any Personal Data pertaining to EU Individuals who have Zimmer Biomet devices, or those considering using such devices.

“**Personal Data**” means any information, including Sensitive Data, that is (i) about an identified or identifiable EU Individual, (ii) received by Zimmer Biomet in the U.S. from the EU or Switzerland, and (iii) recorded in any form. “Personal Data” excludes any information about any individual acting in his or her capacity as a Workforce Member (as defined below) or any related individual whose personal data (as that term is defined by the EU General Data Protection Regulation) the company processes in connection with an employment relationship.

“**Privacy Shield Principles**” means the Principles and Supplemental Principles of the Privacy Shield.

“**Process**” means the creation, collection, use, disclosure, maintenance, disposal of, and securing of Personal Data.

“**Processor**” means any natural or legal person, public authority, agency or other body that processes Covered Personal Data on behalf of a Controller.

“**Sensitive Data**” means Covered Personal Data specifying medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sex life, the commission or alleged commission of any offense, any proceedings for any offense committed or alleged to have been committed by the individual or the disposal of such proceedings, or the sentence of any court in such proceedings.

“**Supplier Personal Data**” means any Personal Data pertaining to individuals working for the companies that supply products or services to Zimmer Biomet U.S., such as external auditors, attorneys, accountants, payment processors, recruitment firms, and training companies.

“**Website User Personal Data**” are means any Personal Data pertaining to EU Individuals that use Zimmer Biomet U.S. online portals, websites or mobile applications.

“**Workforce Members**” are Zimmer Biomet U.S. employees, former employees, retirees, temporary personnel, contract employees, and on-site consultants.

Zimmer Biomet U.S.’s Privacy Shield certification, along with additional information about the Privacy Shield, can be found at <https://www.privacyshield.gov/>. For more information about Zimmer Biomet U.S.’s Processing of Covered Personal Data, please visit the [Zimmer Biomet Privacy Policy](#).

Types of Personal Data Zimmer Biomet U.S. Collects

Zimmer Biomet U.S. serves as both a Controller and a Processor with respect to the Covered Personal Data it obtains and maintains.

Controller Activities

As a Controller, Zimmer Biomet U.S. collects and uses Covered Personal Data about EU Individuals in various ways. The company may collect and use this information as described in the [Zimmer Biomet Privacy Policy](#), and in other ways for which Zimmer Biomet U.S. provides specific notice at the time of collection. For example:

- Zimmer Biomet U.S. collects Website User Personal Data directly from EU Individuals when EU Individuals visit Zimmer Biomet U.S.’s online portals, websites or mobile applications. The company may use this information for the purposes indicated in the [Zimmer Biomet Privacy Policy](#), as well as other privacy notices available in the relevant online portals, websites or mobile applications.
- Zimmer Biomet collects Supplier Personal Data from companies that supply products or services to Zimmer Biomet U.S., including information regarding: name, business address, email, telephone numbers, nature of the relationship with Zimmer Biomet U.S., payment and billing details, product details. Zimmer Biomet U.S. uses this information to manage

its relationships with its suppliers, process payments, and carry out Zimmer Biomet U.S.'s contractual obligations.

- Zimmer Biomet U.S. collects Customer Personal Data from its actual or potential customers including information regarding: name, sex, date and country of birth, nationality, private and business address, telephone numbers, email address, bank account details. Zimmer Biomet U.S. uses this information to manage its relationships with its customers, process payments, and carry out Zimmer Biomet U.S.'s contractual obligations.
- Zimmer Biomet U.S. collects Clinical Research Participant Personal Data and Patient Personal Data from EU Individuals in connection with the medical device services provided by Zimmer Biomet U.S., including information regarding: name, marital or maiden name (if applicable), surname, home address, personal email, telephone numbers, date and place of birth, gender, health information. Zimmer Biomet U.S. uses this information to provide medical device services, such as custom sizing of patient implants.

Processor Activities

As a Processor, Zimmer Biomet U.S. may receive Patient Personal Data in connection with providing services to its customers, such as health care professionals in the EU and Switzerland. For example, when providing maintenance services on Zimmer Biomet medical devices, Zimmer Biomet U.S. may process Patient Personal Data, including: name, marital or maiden name (if applicable), surname, home address, personal email, telephone numbers, date and place of birth, gender, health information.

Privacy Shield Principles

Zimmer Biomet U.S.'s privacy practices regarding the processing of Covered Personal Data comply with the Privacy Shield Principles of Notice; Choice; Accountability for Onward Transfer; Security; Data Integrity and Purpose Limitation; Access; and Recourse, Enforcement and Liability.

Notice

Zimmer Biomet U.S. provides information in this Policy about its Covered Personal Data practices, including the types of Covered Personal Data Zimmer Biomet U.S. collects, the types of third parties to which Zimmer Biomet U.S. discloses the Covered Personal Data and the purposes for doing so, the rights and choices EU Individuals have for limiting the use and disclosure of their Covered Personal Data, and how to contact Zimmer Biomet U.S. about its practices concerning Covered Personal Data.

When Zimmer Biomet U.S. acts as a Processor and Covered Personal Data is transferred to Zimmer Biomet U.S. in the U.S. on behalf of a Controller, the Controller is responsible for providing appropriate notice to its EU Individuals and obtaining the requisite consent.

Relevant information also may be found in notices pertaining to specific data processing activities.

Choice

When Zimmer Biomet U.S. collects Covered Personal Data directly from EU Individuals, the company generally offers those EU Individuals the opportunity to choose whether their Covered Personal Data may be (i) disclosed to third-party Controllers or (ii) used for a purpose that is materially different from the purposes for which the information was originally collected or subsequently authorized by the relevant EU Individual. To the extent required by the Privacy Shield Principles, Zimmer Biomet U.S. obtains opt-in

consent for certain uses and disclosures of Sensitive Data. EU Individuals may contact Zimmer Biomet U.S. as indicated below regarding the company's use or disclosure of their Covered Personal Data. Unless Zimmer Biomet U.S. offers EU Individuals an appropriate choice, the company uses Covered Personal Data only for purposes that are materially the same as those indicated in this Policy.

When Zimmer Biomet U.S. maintains Covered Personal Data about EU Individuals with whom Zimmer Biomet U.S. does not have a direct relationship because Zimmer Biomet U.S. obtained or maintains the EU Individuals' data as a Processor, the relevant Controller(s) are responsible for providing the relevant EU Individuals with certain choices with respect to the relevant Controller(s)' use or disclosure of the Covered Personal Data.

Zimmer Biomet U.S. shares Covered Personal Data with its affiliates and subsidiaries. Zimmer Biomet U.S. may disclose Covered Personal Data without offering an opportunity to opt out, and may be required to disclose the Covered Personal Data, (i) to third-party Processors the company has retained to perform services on its behalf and pursuant to its instructions, (ii) if it is required to do so by law or legal process, or (iii) in response to lawful requests from public authorities, including to meet national security, public interest or law enforcement requirements. Zimmer Biomet U.S. also reserves the right to transfer Covered Personal Data in the event of an audit or if the company sells or transfers all or a portion of its business or assets (including in the event of a merger, acquisition, joint venture, reorganization, dissolution or liquidation).

Accountability for Onward Transfer of Covered Personal Data

This Policy describes Zimmer Biomet U.S.'s sharing of Covered Personal Data.

To the extent Zimmer Biomet U.S. acts as a Controller, except as permitted or required by applicable law, Zimmer Biomet U.S. provides EU Individuals with an opportunity to opt out of sharing their Covered Personal Data with third-party Controllers. Zimmer Biomet U.S. requires third-party Controllers to whom it discloses Covered Personal Data to contractually agree to (i) only process the Covered Personal Data for limited and specified purposes consistent with the consent provided by the relevant EU Individual, (ii) provide the same level of protection for Covered Personal Data as is required by the Privacy Shield Principles, and (iii) notify Zimmer Biomet U.S. and cease processing Covered Personal Data (or take other reasonable and appropriate remedial steps) if the third-party Controller determines that it cannot meet its obligation to provide the same level of protection for Covered Personal Data as is required by the Privacy Shield Principles.

With respect to transfers of Covered Personal Data to third-party Processors, Zimmer Biomet U.S. (i) enters into a contract with each relevant Processor, (ii) transfers Covered Personal Data to each such Processor only for limited and specified purposes, (iii) ascertains that the Processor is obligated to provide the Covered Personal Data with at least the same level of privacy protection as is required by the Privacy Shield Principles, (iv) takes reasonable and appropriate steps to ensure that the Processor effectively processes the Covered Personal Data in a manner consistent with Zimmer Biomet U.S.'s obligations under the Privacy Shield Principles, (v) requires the Processor to notify Zimmer Biomet U.S. if the Processor determines that it can no longer meet its obligation to provide the same level of protection as is required by the Privacy Shield Principles, (vi) upon notice, including under (v) above, takes reasonable and appropriate steps to stop and remediate unauthorized processing of the Covered Personal Data by the Processor, and (vii) provides a summary or representative copy of the relevant privacy provisions of the Processor contract to the Department of Commerce, upon request. Zimmer Biomet U.S. remains liable under the Privacy Shield Principles if the company's third-party Processor onward transfer recipients process relevant Covered Personal Data in a manner inconsistent with the Privacy Shield Principles, unless Zimmer Biomet U.S. proves that it is not responsible for the event giving rise to the damage.

Security

Zimmer Biomet U.S. takes reasonable and appropriate measures to protect Covered Personal Data from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into account the risks involved in the processing and the nature of the Covered Personal Data.

Data Integrity and Purpose Limitation

Zimmer Biomet U.S. limits the Covered Personal Data it processes to that which is relevant for the purposes of the particular processing. Zimmer Biomet U.S. does not process Covered Personal Data in ways that are incompatible with the purposes for which the information was collected or subsequently authorized by the relevant EU Individual. In addition, to the extent necessary for these purposes, and consistent with its role as a Controller or Processor, Zimmer Biomet U.S. takes reasonable steps to ensure that the Covered Personal Data the company processes is (i) reliable for its intended use, and (ii) accurate, complete and current. In this regard, Zimmer Biomet U.S. relies on its EU Individuals and on the relevant Controller(s) (with respect to Covered Personal Data of EU Individuals with whom Zimmer Biomet U.S. does not have a direct relationship) to update and correct the relevant Covered Personal Data to the extent necessary for the purposes for which the information was collected or subsequently authorized. EU Individuals (and Controllers, as appropriate) may contact Zimmer Biomet U.S. as indicated below to request that Zimmer Biomet U.S. update or correct relevant Covered Personal Data.

Subject to applicable law, Zimmer Biomet U.S. retains Covered Personal Data in a form that identifies or renders identifiable the relevant EU Individual only for as long as it serves a purpose that is compatible with the purposes for which the Covered Personal Data was collected or subsequently authorized by the EU Individual.

Access

EU Individuals generally have the right to access their Covered Personal Data. Accordingly, to the extent Zimmer Biomet U.S. acts as a Controller, where appropriate, Zimmer Biomet U.S. provides EU Individuals with reasonable access to the Covered Personal Data Zimmer Biomet U.S. maintains about them. Zimmer Biomet U.S. also provides a reasonable opportunity for those EU Individuals to correct, amend or delete the information where it is inaccurate or has been processed in violation of the Privacy Shield Principles, as appropriate. Zimmer Biomet U.S. may limit or deny access to Covered Personal Data where the burden or expense of providing access would be disproportionate to the risks to the EU Individual's privacy in the case in question, or where the rights of persons other than the EU Individual would be violated. EU Individuals may request access to their Covered Personal Data by contacting Zimmer Biomet U.S. as indicated below.

When Zimmer Biomet U.S. maintains Covered Personal Data about EU Individuals with whom Zimmer Biomet U.S. does not have a direct relationship because Zimmer Biomet U.S. maintains the EU Individuals' data as a Processor for a Controller (such as a Zimmer Biomet U.S. customer in the EU or Switzerland), the Controller is responsible for providing EU Individuals with access to the Covered Personal Data and the right to correct, amend or delete the information where it is inaccurate or has been processed in violation of the Privacy Shield Principles, as appropriate. In such circumstances, EU Individuals should direct their questions to the appropriate Controller. When an EU Individual is unable to contact the appropriate Controller, or does not obtain a response from the Controller, Zimmer Biomet U.S. will provide reasonable assistance in forwarding the EU Individual's request to the Controller.

Recourse, Enforcement and Liability

Zimmer Biomet U.S. has mechanisms in place designed to help assure compliance with the Privacy Shield Principles. Zimmer Biomet U.S. conducts an annual self-assessment of its Covered Personal Data practices to verify that the attestations and assertions Zimmer Biomet U.S. makes about its Privacy Shield privacy practices are true and that Zimmer Biomet U.S.'s privacy practices have been implemented as represented and in accordance with the Privacy Shield Principles.

EU Individuals may file a complaint concerning Zimmer Biomet U.S.'s processing of their Covered Personal Data. Zimmer Biomet U.S. will take steps to remedy issues arising out of its alleged failure to comply with the Privacy Shield Principles. EU Individuals may contact Zimmer Biomet U.S. as specified below about complaints regarding Zimmer Biomet U.S.'s Covered Personal Data practices.

If an EU Individual's complaint cannot be resolved through Zimmer Biomet U.S.'s internal processes, Zimmer Biomet U.S. will cooperate with JAMS pursuant to the JAMS Privacy Shield Program, which is described on the JAMS website at <https://www.jamsadr.com/eu-us-privacy-shield>. JAMS mediation may be commenced as provided for in the JAMS rules. Following the dispute resolution process, the mediator or the EU Individual may refer the matter to the U.S. Federal Trade Commission, which has Privacy Shield investigatory and enforcement powers over Zimmer Biomet U.S. Under certain circumstances, EU Individuals also may be able to invoke binding arbitration to address complaints about Zimmer Biomet U.S.'s compliance with the Privacy Shield Principles.

When Zimmer Biomet U.S. maintains Covered Personal Data about EU Individuals with whom Zimmer Biomet U.S. does not have a direct relationship because Zimmer Biomet U.S. maintains the EU Individuals' data as a Processor for a Controller, EU Individuals may submit complaints concerning the processing of their Covered Personal Data to the relevant Controller, in accordance with the Controller's dispute resolution process. Zimmer Biomet U.S. will participate in this process at the request of the Controller or the EU Individual.

How to Contact Zimmer Biomet U.S.

To contact Zimmer Biomet U.S. with questions or concerns about this Policy or Zimmer Biomet U.S.'s Covered Personal Data practices:

Write to:

Zimmer Biomet
Attn: Global Privacy Officer
P.O. Box 708
1800 West Center Street
Warsaw, Indiana 46581-0708

or

E-mail: privacy.nam@zimmerbiomet.com or privacy.emea@zimmerbiomet.com