

Endologix Website Privacy Notice

Effective Date: May, 2016

Endologix, Inc. and its subsidiaries and affiliates (collectively, “Endologix”, “us”, “we” or “our”) created this Website Privacy Notice (“Privacy Notice”) to advise you about Endologix’s practices involving personal information, such as the types of information we collect and how we may use that information. Please read this Privacy Notice carefully, which governs your use of the Sites (as defined below).

This Privacy Notice applies to all web sites, features, or online services that are owned or controlled by Endologix and that post a link to this Privacy Notice (collectively, the “Sites”), whether accessed via computer, mobile device, or otherwise. This Privacy Notice applies only to the Sites and does not apply to information collected at any other website or offline by Endologix (unless specifically stated).

This Privacy Notice also applies to job applicants, whether such applicant applies via the Sites or via other means. Please note that not all functionality described in this Privacy Notice may be available on all of the Sites, to all individuals, or at all times.

Types of Information Collected

Information You Provide to Us. When you access or interact with the Sites, you may choose to provide us with certain information, for example:

- “Personal Information,” which is information that may be used to identify you as a specific individual (e.g., your name, phone number, mailing and/or e-mail addresses, date of birth, and payment information).
- Professional information (e.g., for physicians, information such as experience with Endologix or other medical devices, hospital affiliations, and surgical procedures performed).
- Demographic information (e.g., ZIP code, age, gender)
- Content (e.g., text, pictures, audio, video) you submit to us through message forums or other communication functionality we may make available on the Sites (“User Content”). Please note that User Content consisting of uploaded files may contain metadata, which may contain Personal Information or other information about or relating to you. You may wish to remove metadata from your files before transmitting such files to Endologix.
- Additional self-identifying information provided in connection with an employment application (such as veteran status, gender and ethnicity), in conjunction with laws and regulations enforced by the Equal Employment Opportunity Commission (“EEOC”), and

other federal, state and local regulatory agencies. Providing such self-identifying information is voluntary, but if you do provide such information, Endologix or its service provider may submit that information to the appropriate government or regulatory agencies to fulfill reporting requirements and use that information to defend against employment related complaints.

Information Collected Automatically When You Access or Use the Sites; Tracking. We may use a variety of technologies that automatically or passively collect certain information when you visit or interact with our Sites (“Usage Information”). Usage Information may be collected through server log files, cookies (text files sent to and stored on your Device when you access a website), web beacons (also known as clear GIFs and pixel tags, which may be used to transmit information back to a website), and embedded scripts (programming code that is designed to collect information about your interactions with the Sites, such as the links you click on, and which is active only when you are accessing the Sites). Usage Information may include, for example:

- Information about the computer, mobile phone, or other device (any, a “Device”) used to access the Sites, e.g., the browser and operating system you are using, and the IP address or other unique identifier (“Device Identifier”) of your Device.
- Information about how you accessed the Sites, e.g., the URL or advertisement that referred you to our Sites, or the search terms you entered into a search engine that led you to our Sites (if applicable).
- Information about your visit to and interaction with the Sites, e.g., all of the areas within our Sites that you visit, and the time of day you visit the Sites.

The Usage Information we collect generally is non-identifying, but if we associate it with you as a specific and identifiable person, we treat it as Personal Information.

In addition, Endologix works with certain third parties (such as analytics companies) to provide us with information regarding traffic on the Sites and to provide us with information regarding the use of the Sites. We may permit these third parties to operate directly on the Sites, use their own technology (e.g., setting cookies or using web beacons or embedded scripts), and collect Usage Information and related information about you, on our behalf. We may also share Usage Information with these third parties for similar purposes. Some third parties may collect Personal Information about your online activities over time and across different websites when you use the Site. Your browser settings may allow you to automatically transmit a “Do Not Track” signal to websites and online services you visit.

Information Third Parties Provide About You. In some instances, we may receive information about you from third parties, for example:

- We may receive your contact information if you request to receive information from or about Endologix on a website that is not operated or controlled by Endologix.

- We may supplement the information we collect with outside records from third parties in order to provide you with information, services or goods you have requested, to enhance our ability to serve you, and to tailor our content to you.

If we combine the information we receive from third parties with information we collect through the Sites, we will apply this Privacy Notice to the combined information.

Employment Applications

If you apply for employment with Endologix (e.g., via <http://www.endologix.com/careers/> or via other means) we will use the information you provide to process your application, to monitor recruitment statistics, and to comply with government reporting requirements. We retain de-identified statistical information about applicants to help inform our recruitment activities. Endologix is headquartered in the United States and employee and recruitment data is held there and in other Endologix locations worldwide. If an applicant becomes an Endologix employee, Endologix will maintain a record relating to that person's employment and provide additional information about our data practices in connection with employee data to the extent required by law.

Uses of Information Collected

We may use non-personally identifiable information, such as aggregated user statistics or data that has been derived from personal information (such as anonymized and aggregated data), in our discretion and without restriction. In addition, we may use information, including Personal Information and Usage Information:

- To send you information about Endologix, our products or services, and related information (such as information about events we sponsor, educational opportunities, and clinical alerts)
- To provide you with our products and services
- To enable physicians to communicate with each other regarding our medical devices and otherwise, e.g., via access-restricted forums.
- To process a transaction you initiate
- To process your registration with the Sites, including verifying your contact information is active and valid
- To customize and tailor your experience on the Sites, for example, by displaying content that we think you might be interested in
- To bill you for Endologix products and services
- To improve the Sites, our products and services and for internal business purposes

- To contact you with regard to your use of the Sites and, in our discretion, changes to the Site policies or functionality
- For purposes as disclosed at the time you provide your information, upon your request or with your consent, or as further described in this Privacy Notice

Disclosure of Information to Third Parties

We may share non-personally identifiable information, such as aggregated user statistics or data that has been derived from personal information (such as anonymized and aggregated data), in our discretion and without restriction. We do not share your Personal Information with unaffiliated third parties for those unaffiliated third parties' marketing purposes unless you consent to such sharing.

We may disclose the information we have collected about you, including Personal Information, as disclosed at the time you provide your information, with your consent, as described in this Privacy Notice, or in the following circumstances:

- *Third Parties Providing Services on Our Behalf.* We may share Personal Information with third party service providers in connection with the service providers' performance of services to, or on behalf of, the Sites. If we share Personal Information with third party service providers, we do not authorize those third parties to use your Personal Information for their own purposes without your consent.
- *To Receive Information from Third Parties.* We may present an opportunity to receive information and/or marketing offers from one or more third parties or for us to otherwise share information with a third party. If you agree at that time to have your Personal Information shared, we may do so, and the information we share will be subject to the privacy policy and practices of that third party or third parties. We are not responsible for the privacy policies and practices of third parties. If you later decide that you no longer want to receive communications from a third party, you will need to contact that third party directly.
- *Administrative & Legal Reasons.* We may transfer and disclose information, including Personal Information and Usage Information, to third parties to (a) comply with a valid legal inquiry or process such as a search warrant, subpoena, statute or court order, or if in our opinion such disclosure is required by law; (b) protect the personal safety, rights, property or security of Endologix, you, or any third party; (c) respond to a breach or attempted breach of the security of our Sites; (d) defend or assert our legal rights pursuant to any of the Sites' Terms of Use, any policies applicable to the Sites, or any other agreement you may have with Endologix or (e) at the request of governmental authorities conducting an investigation. We may also use Device Identifiers, including IP addresses, to identify users, and may do so in cooperation with copyright owners, Internet service providers, wireless service providers, or law enforcement agencies in our discretion.

- *Sharing Between Endologix Companies.* Endologix may share information, including Personal Information, with its parent, subsidiaries and affiliates globally for a variety of purposes, including for business, operational, and marketing purposes. Endologix may, and reserves the right to, share your information with any other company that is not presently, but becomes, an Endologix parent, subsidiary, or affiliate.
- *Business Transfers.* Endologix may disclose and transfer your Personal Information: (a) to a subsequent owner, co-owner or operator of the Sites or applicable database, or of our products or services; (b) if Endologix (or any of its affiliated, parent, or subsidiary companies) assigns its rights regarding any of your information to a third party; or (c) in connection with a corporate merger, consolidation, restructuring, the sale of certain of Endologix's ownership interests, assets, or both, or other company change, including, without limitation, during the course of any due diligence process.

Use of User Forums

We may provide access-restricted functionality to certain individuals to communicate with each other (e.g., user forums on the Sites for physicians to communicate about Endologix products) ("User Forums") or post User Content. If you receive access to such functionality, you should treat anything you post there, such as User Content, as if it were public, notwithstanding any access restriction. User Forums must not be used to post Personal Information about third parties or discuss information about specific, identifiable patients. If you choose to voluntarily disclose Personal Information about yourself on User Forums, that information will be considered public information and the protections of this Privacy Notice will not apply. If you submit User Content, it may be published online or offline at any time. In addition, we may use your User Content and any excerpt from your User Content in connection with our advertising, marketing, publicity and promotional activities.

Your Choices Regarding Your Information, Preferences, and Subscriptions

You are responsible for maintaining the accuracy of the information you submit to us, such as your contact information. If you contact us with changes, we will make good faith efforts to make requested changes in our then-active databases as soon as reasonably practicable. Note, however, that information may persist internally for our administrative purposes and that residual data may remain on backup media or for other reasons.

You may choose not to provide us with any Personal Information. In such an event, you may still be able to access and use some of the Sites; however you may not be able to access and use those portions of the Sites that require your Personal Information.

You may opt out of receiving marketing e-mails by following the unsubscribe instructions provided to you in those e-mails. Please note that we reserve the right to send you certain communications relating to your account or use of any of the Sites, and these transactional account messages may be unaffected if you opt-out from marketing communications.

In addition, if you located in the European Economic Area or Switzerland, you have the right to request access to your Personal Information maintained by Endologix. Upon request, and after providing proof of identity, you will be given access to your Personal Information, including a reasonable opportunity to correct, amend, or delete inaccurate information. Endologix processes access requests in the ordinary course of business and pursuant to applicable law, and strives to handle reasonable requests for information promptly and fairly. Endologix may limit or deny access to Personal Information where providing such access is unreasonably burdensome, where the rights of other persons would be violated, or as otherwise may be permitted. You may make an access request by contacting Endologix via the contact information provided below.

Information Security

Endologix takes commercially reasonable security measures to help protect the Personal Information submitted to us, both during transmission and once we receive it. However, please note that transmission over the Internet or wireless networks cannot be guaranteed to be 100% secure; and therefore we cannot ensure or warrant the security of any information we collect. You use our Sites and provide us with your information at your own risk.

Transfer of Personal Information to the United States

The Sites are operated in the United States. If you are located outside of the United States, please be aware that information we collect will be transferred to and processed by Endologix in the United States for the purposes described in this Policy. By using the Site, or providing us with any information, you consent to this transfer, processing and storage of your information in the United States, a jurisdiction in which the privacy laws may not be as comprehensive as those in the country where you reside or are a citizen.

Third Party Content, Links to Other Web Sites, and Endologix Content Found Outside the Site

Certain content on the Sites may be hosted and served by third parties, and the Sites may contain links to third-party web sites that Endologix does not control. In addition, Endologix content may be included on web pages and web sites that are not associated with Endologix and over which we have no control. These third parties may collect Usage Information through the use of their own cookies and web beacons, independently collect data or solicit Personal Information, and may have the ability to track your use of their sites and services. Endologix is not responsible for the privacy practices or the content of any third party.

Updates and Changes to Privacy Notice

We reserve the right to change this Privacy Notice and will notify you of material changes by posting a notice and the new Privacy Notice on the Sites. We may also provide notice to you in other ways in our discretion, such as through contact information you have provided. Any changes will be effective immediately upon the posting of the revised Privacy Notice. However, we will not make material



changes to how we use your personal information, unless you consent to the new or revised policy or generally to such uses.

California Residents – Your California Privacy Rights

Under California Civil Code Section 1798.83, California residents have the right to request certain information from companies conducting business in California regarding disclosures of personal information to third parties (and in some cases, affiliates) for the third party's direct marketing purposes. As stated above, we do not share your Personal Information with unaffiliated third parties for those unaffiliated third parties' marketing purposes unless you consent to such sharing.

However, if you are a California resident and you have questions about our practices with respect to sharing information with third parties and affiliates for their direct marketing purposes, please send your request via email to compliance@endologix.com, or write to us at Privacy Office, Endologix, 2 Musick, Irvine, California 92618. You must include the statement "Your California Privacy Rights" in your writing, and include your name, street address, city, state, and ZIP code. We are not responsible for notices that are not labeled or sent properly, or do not have complete information.

Children

The Sites are not intended for children and we do not knowingly collect personally identifiable information from children on the Sites. If Endologix discovers that it has inadvertently collected Personal Information from anyone younger than the age of 13 on the Sites, it will delete that information.

Contact Information

To contact Endologix with questions or concerns about this Privacy Notice or Endologix's practices concerning Personal Information, you may email compliance@endologix.com, or write to us at:

Privacy Office
Endologix
2 Musick
Irvine, California 92618
USA