

# **Endologix Privacy Policy**

Effective Date: January 2, 2020

Endologix, Inc. and its subsidiaries and affiliates (collectively, "Endologix", "us", "we" or "our") created this Privacy Policy because we take your privacy seriously and are committed to protecting your rights. The Privacy Policy describes how we collect and handle your Personal Information:

- Through all web sites, features, or online services that are owned or controlled by Endologix and that post a link to this Privacy Policy (collectively, the "Sites"), whether accessed via computer, mobile device, or otherwise.
- In a business context to provide physicians and hospitals with our products (our "Service").
- When you participate in our events or receive our marketing communications.

Personal Information is defined as any information relating to an identified or identifiable natural person ('Data Subject' or 'Individual'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

## **Types of Personal Information Collected Through the Sites and How We Use It**

### **Information You Provide to Us via Web Forms**

As an end user of the Sites, when you interact with us via the "Contact Us" web forms, you may choose to provide us with certain Personal Information like your name, email address, and other data that may be used to identify you as a specific Individual. You may also choose to provide us with demographic information like your country of residence and postal code. You may provide other Personal Information as part of your web submissions to Endologix, but we expect that you limit the Personal Information you provide to only that which is necessary and associated with the nature of your inquiry. It is our legitimate interest to offer you a means to communicate with Endologix through the Sites to respond to the questions and requests you may have and provide you with information about Endologix and our products. Your inquiries may be fielded by our local Endologix offices and/or handled by our corporate headquarters in the United States.

### **Information We Collect Automatically When You Access or Use the Sites: Tracking**

For information about cookies and similar other technologies, what they do, and how to disable the non-necessary ones, please refer to our full [Cookie Policy](#).

Certain information, like aggregated information or high-level location information, such as the browser language and country during the user session, is treated as non-personal information unless applicable law requires otherwise. We may use or disclose such information for any purpose. For instance, we may compile and share aggregate data about the geographic locations or other demographics of our end users, provided that this information does not personally identify any of these Members.

The Sites are not intended for children and we do not knowingly collect Personal Information from children on the Sites. If Endologix discovers that it has inadvertently collected Personal Information from anyone younger than the age of 18 on the Sites, it will delete that Information.

## **Types of Personal Information Collected for Our Service and How We Use It**

To provide our Service, Endologix may need your business contact information and firmographic details about you. We may use this Personal Information to specifically operate and improve the Service, execute your transactions, communicate with you or your employer about the Service, including by sending announcements, updates, and support and administrative messages, provide support for the Service, and respond to your requests, questions and feedback.

## **Types of Personal Information Collected Through Events and Marketing and How We Use It**

To host and engage you through Endologix events and conferences, or to run direct marketing communications, Endologix may gather and use your business contact information and related firmographic details.

## **Endologix Privacy Practices**

### **Lawful, Fair, and Transparent Collection and Processing**

The Personal Information we collect and process as an organization is done lawfully, fairly, and in a transparent manner in accordance with applicable legal and regulatory obligations. Our grounds for collecting and processing Personal Information may be based on obtaining consent, carrying out our responsibilities to uphold terms in a contract, compliance requirements, and other conditions and legitimate interests.

When we collect Personal Information from individuals, we strive to inform those Individuals of what the collection involves and what their rights via privacy policies and notices.

Our methods of consent and our privacy notices are presented in a fashion that is intelligible, easily accessible, in clear and plain language, and clearly distinguishable from the other matters. We offer consent only in circumstances where it is freely given.

#### Privacy by Design and by Default

Data protection is a significant consideration in all that we do at Endologix. We design and implement processes and technologies that allow us to collect Personal Information that is adequate, relevant, and limited to what is necessary for the related purposes of processing. We try to only allow for the collection of necessary data and prevent the intake of irrelevant data. The Personal Information we collect and need to support our workforce and run the business is not further processed in a manner that is incompatible with the specified, explicit, and legitimate original purposes of collection. To us, data protection must be the default whenever we handle Personal Information and not just an optional privilege for Individuals.

#### Security

We employ a number of technical, organizational and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your Personal Information.

#### Transfers of Personal Information to Third Parties

We may share your Personal Information with our affiliates and with third party service providers. Third party service providers work on the behalf of Endologix and help us operate the Service or our business (such as IT, hosting, customer relationship management and support, data management, email delivery, marketing, web services, event management services, among others). When third parties process or require access to Personal Information, we ascertain that the third party is obligated to provide at least the same level of privacy protection as we hold ourselves to. Endologix maintains contracts with these third parties that restrict their access, use, and disclosure of Personal Information in compliance with the laws and regulations that apply. Our third parties are required to notify us if they determine they can no longer meet the level of data protection expected by Endologix, and we monitor for compliance to our data protection terms depending on the nature of the services being provided.

On occasion, we may need to share Personal Information with professional advisors, such as lawyers, auditors and insurers, where necessary in the course of the professional services that they render to us. We may also need to share Personal Information with law enforcement, government authorities, and private parties, as we believe in good faith to be necessary or appropriate for the compliance and operations purposes.

#### International Transfers of Personal Information

Personal information, including Personal Information collected in the European Economic Area ("EEA") or Switzerland, may be transferred, stored and processed by us and our services providers, partners and affiliates in the United States and potentially other countries whose data protection laws and regulations may be different to the laws of your country. We allow transfers of Personal Information made between countries or regions, intracompany or with international third parties, only when supported by an appropriate legal agreement or an alternative provision that ensures obligations to Personal Information rights and protections are commensurate. The sufficiency of these agreements and provisions depend on the countries or regions the information is transferred from and to. Examples of agreements and provisions that may be suitable for transfers (depending on the nature of the international exchange) include, but are not limited to, the following:

- The nation or region where Personal Information is transferred from recognizes the nation or region where Personal Information is transferred to as having adequate protections in place. This will be based on the receiving country's or region's rule of law, respect for human rights and fundamental freedoms, relevant legislation, etc.

- Binding corporate rules are established (for intracompany transfers).
- Standard data protection clauses are established.
- An approved code of conduct is in place that is paired with binding and enforceable commitments set upon the organization in the third country.
- An approved certification mechanism (e.g. a safe harbor) is in place that is paired with binding and enforceable commitments set upon the organization in the third country.

#### How Long We Keep Personal Information

We keep your Personal Information only for as long as it is warranted to adhere to our terms, conditions, and commitments to you, carry out legitimate interests of the business, and comply to legal or regulatory requirements. When Personal Information is expired, or is no longer needed and does not have to be retained, we may return, delete, destroy, or anonymize it, depending on what method is systematically and procedurally possible, most secure, and what our related retention commitments are.

#### **Important Information for California Residents**

This section describes the rights of California residents in respect to their Personal Information. For purposes of this section, “Personal Information” has the meaning given in California Assembly Bill 375 (the California Consumer Privacy Act of 2018 or “CCPA”) but does not include information exempted from the scope of the CCPA.

#### Your California Privacy Rights.

As a California resident, you have the rights listed below. However, these rights are not absolute, and in certain cases we may decline your request as permitted by law.

- Information. You can request the following information about how we have collected and used your Personal Information during the past 12 months:
  - o The categories of Personal Information that we have collected.
  - o The categories of sources from which we collected Personal Information.
  - o The business or commercial purpose for collecting and/or selling Personal Information.
  - o The categories of third parties with whom we share Personal Information.
  - o Whether we have disclosed your Personal Information for a business purpose, and if so, the categories of Personal Information received by each category of third party recipient.
  - o Whether we’ve sold your Personal Information, and if so, the categories of Personal Information received by each category of third party recipient.
- Access. You can request a copy of the Personal Information that we have collected about you during the past 12 months.
- Deletion. You can ask us to delete the Personal Information that we have collected from you.
- Nondiscrimination. You are entitled to exercise the rights described above free from discrimination in the form of legally prohibited increases in the price or decreases in the quality of our Service.

Endologix does not “sell” your Personal Information, as defined in the CCPA, or share Personal Information with third parties for direct marketing purposes.

#### How to Exercise Your Rights

You may exercise your California privacy rights described above as follows:

- Submit a request through Endologix’s online request form found [here](#).
- Call us toll free at (857) 264-0539

We reserve the right to confirm your California residency to process your requests and will need to confirm your identity to process your requests to exercise your information, access or deletion rights. As a part of this process, government identification may be required. Consistent with California law, you may designate an authorized agent to make a request on your behalf. In order to designate an authorized agent to make a request on your behalf, you must provide a valid power of attorney, the requester’s validate government-issued identification, and the authorized agent’s valid government issued identification. We cannot process your request if you do not provide us with sufficient detail to allow us to understand and respond to it.

#### **Important Information for European Residents**

This section describes the rights of European residents in respect to their Personal Information. For purposes of this section, “Personal Information” has the meaning given in the Regulation (EU) 2016/679 of the European Parliament and Council of April 27, 2016 (General Data Protection Regulation or the “GDPR”) but does not include information exempted from the scope of the GDPR.

#### Your European Privacy Rights.

As a European resident, you have the rights listed below. However, these rights are not absolute, and in

certain cases we may decline your request as permitted by law.

- Provide consent or to withdraw consent. We may seek to rely on your consent in order to process certain Personal Information. Where we do so, you have the right not to provide your consent or to withdraw your consent at any time. This does not affect the lawfulness of the processing based on consent before its withdrawal.
- Access: You may have the right to access the Personal Information that we hold about you.
- Rectification: You may have the right to require us to correct any inaccurate or incomplete Personal Information.
- Erasure: In certain circumstances, you may have the right to the erasure of Personal Information that we hold about you (for example if Personal Information is no longer necessary for the purposes for which it was originally collected).
- Data portability: You may have the right to receive the Personal Information concerning you in a structured, commonly used, and machine-readable format that can be shared with another organization. The right of data portability also allows you the opportunity to have Endologix transmit that data to another organization directly where technically feasible.
- Object to processing: You may have the right to request that Endologix stop processing your Personal Information and/or to stop sending you marketing communications.
- Restrict processing: You may have the right to request that we restrict processing of your Personal Information in certain circumstances (for example, where you believe that the Personal Information we hold about you is not accurate or lawfully held).

#### How to Exercise Your Rights

You may exercise your European privacy rights by submitting a request through Endologix's online request form found [here](#).

We have appointed a Data Protection Officer, a European Representative, and assembled a Compliance Team to uphold our data privacy responsibilities. We are located at:

#### Corporate Headquarters

2 Musick  
Irvine, California 92618  
USA

#### European Headquarters

Burgemeester Burgerslaan 40  
5245 NH Rosmalen  
The Netherlands

We prefer to resolve your questions, complaints, and requests about how we handle Personal Information directly; however, if you are a resident of the EEA, you also have the right to lodge a complaint with the Dutch Data Protection Authority (Autoriteit Persoonsgegevens). You can reach the Dutch Data Protection Authority using one of the following methods:

<u>Autoriteit Persoonsgegevens</u> Postbox 93374 2509 AJ Den Haag The Netherlands	Bezuidenhoutseweg 30 2594 AV Den Haag The Netherlands Telephone: (+31)-(0)70-888 85 00
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#### **Changes to the Privacy Policy**

Endologix reserves the right to review and update this Privacy Policy periodically in response to changing legal, technical, and business developments. When we update this Privacy Policy, we will note the date of its most recent revision above. If we make material changes to this Privacy Policy, we will take appropriate measures to inform you in a manner that is consistent with the significance of the changes we make and in accordance with applicable laws and regulations. Any modifications to this Privacy Policy will be effective upon our posting the modified version (or as otherwise indicated at the time of posting). We encourage you to review this Privacy Policy frequently to be informed of how we are protecting your information.