



## CUSTOMERS/PROSPECTS' PRIVACY NOTICE

### What is the purpose of this notice?

- When processing your personal data, bioMérieux is required to comply with any regulation applicable to the protection of these data, especially with the European Regulation of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free circulation of such data (hereinafter the "GDPR").
- The protection of natural persons with regard to the processing of personal data is a fundamental right. The regulations aim to specify and strengthen the rights of data subjects, and the obligations of those who determine the purpose and perform the processing of personal data.
- The purpose of this privacy notice ("Notice") is to inform you as a customer/prospect in a transparent way about the processing of your personal data, especially the kind of data collected, the reason why they are processed and on what legal basis, how long they are stored and to inform you about your rights under GDPR or the applicable regulation and how to exercise them.

### Data Controller and Data Protection Officer

The Data Controller is bioMérieux, which is registered on the Lyon Trade and Companies Register under no. 673 620 399 and has its registered office at Marcy-l'Etoile. The person representing the Data Controller is Alexandre Mérieux, in his capacity as Chairman and Chief Executive Officer, and whose contact details are as follows: Campus De L'Etoile, 100 Allée Louis Pasteur, 69280 Marcy-L'Etoile.

bioMérieux has appointed a Data Protection Officer ("DPO") whose contact details are as follows: Yves Raisin, Data Protection Officer, [privacyofficer@biomerieux.com](mailto:privacyofficer@biomerieux.com), +33 (0)4 78 87 21 42, Campus de L'Etoile, 100 Allée Louis Pasteur, 69280 Marcy-L'Etoile (hereinafter the "Data Protection Officer").

### Definitions

You can find all the definitions below:

**"Personal Data"**: any information that relates to an identified or identifiable natural person, i.e. the customer/prospect; an identifiable natural person is considered as a *"natural person [...] 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 to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity"*;

**"Processing"**: any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**“Data Controller”**: the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data

**“Data Processor”** : the natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

**“Recipient”**: the natural person or legal entity, the public authority, the department or any other organisation that receives personal data

## **General Data protection principles**

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bioMérieux collects and processes your personal data in conformity with :

**Lawfulness, fairness and transparency of processing**: your personal data are always collected and processed on the basis of a specific justification. In addition, clear, transparent and complete information is provided to you on the processing carried out on your personal data;

**Limitation of purposes**: your personal data are always collected and processed for specific purposes, from the start to the end of processing;

**Data minimization**: your personal data that are collected are those strictly necessary to achieve the intended objectives. No superfluous personal data, taking into account the processing operations carried out, is collected or used;

**Security**: your personal data are stored and processed in a manner that guarantees their security and confidentiality.

## **On what basis does bioMérieux use your Personal Data?**

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In accordance with the GDPR, any processing of personal data by bioMérieux acting as Data Controller will be grounded on a legal basis to process such data. GDPR has defined six legal bases for processing:

- legal obligation,
- performance of a contract,
- legitimate interest,
- consent,
- public interest, and
- protection of a vital interest.

Only one of these legal bases is sufficient as basis of the data processing.

Accordingly, the processing of your personal data will be based, with some exceptions, on the compliance with legal obligations to which bioMérieux is subject, and the legitimate interests pursued by bioMérieux (where such interests are NOT overridden by your interests or fundamental rights and freedoms).

These legal bases can vary depending on the applicable regulation.

## **How does bioMérieux use your Personal Data?**

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bioMérieux acts as Data Controller where the personal data processing is specifically intended to:

- Customer support and services:
  - access to ordering applications, technical library (package inserts, safety data sheets), quality control certificates;
  - laboratories performance assessment (lab consultancy, workflow analysis);
  - communication on regulatory and quality issues including vigilance.
- Marketing:
  - trainings on products (on bioMérieux sites, on customer sites, during congress);
  - participation in events (seminars, congress, exhibitions,...);
  - communication of information on products and technologies;
  - communication on supply and life cycle management information;
  - satisfaction surveys;
  - market researches.
- Finance:
  - credit control;
  - analyses on sales and margins.
- Sales:
  - sales prospections (emails, newsletter, phone calls);
  - tenders, offers, orders management, contracts;
  - order shipment.
- Legal requirements:
  - transparency laws related to healthcare professionals.

bioMérieux acts as Data Processor where the personal data processing is specifically intended to:

- support customers (scientific & technical, maintenance and installation, services)

In such case, Company's customer acts as Data Controller and bioMérieux, as Data Processor, performs the processing according to documented instructions issued from the customer.

## **What kind of Personal Data does bioMérieux hold about you?**

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Depending on processing activities, different categories of personal data could be collected by bioMérieux for example:

- personal identification: first name, last name
- contact information: email, phone number
- employment information: company entity, job title role, professional email, professional number
- browsing information: cookies, IP address, user name, password
- education and skills: resume, education and training history.

## **How is your Personal Data collected?**

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bioMérieux collects your Personal Data either:

- directly from you, through electronic web form or paper form,
- indirectly from an application, or from third parties.

## **How long does bioMérieux keep your Personal Data?**

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Your personal data will be retained for a period that does not exceed the period required for the purposes for which they are processed, in accordance with the timeframes determined by the law or data protection authorities recommendations. Your personal data can be retained for a longer period if bioMérieux has to fulfil its legal and regulatory obligations and/or exercise its rights recognized by law or jurisprudence.

Personal data linked to inactive contacts are deleted after 3 years without any contact or activity with bioMérieux.

## **Who are the Recipients of my Personal Data and why might bioMérieux share my Personal Data with third parties?**

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bioMérieux may have to share all or part of your Personal Data with some Recipients, always in conformity with the purpose.

bioMérieux may have to share your Personal Data especially with:

- internal departments at bioMérieux Group level, if they need to have access to your personal data in compliance with the purpose of the processing;
- third parties outside of bioMérieux, for example other companies, including third-party service providers. bioMérieux requires that third parties acting as processor to respect the security of your personal data and to treat it in accordance with the laws for the protection of personal data. bioMérieux shares your Personal Data with Mérieux University for the purpose of Mérieux University to provide trainings services to customers.

Some authorities may require from bioMérieux to share some documents or information that could include personal data for their purpose of investigation, as “authorized third parties”. The authorized third parties can be for example tax authorities or government bodies (not exhaustive).

## **Transfer of your Personal Data outside European Union (EU)**

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bioMérieux may be required to transfer your personal data outside of the EU especially to:

- subsidiaries of the bioMérieux group outside of the EU ;

- third parties where required by law or where bioMérieux have a legitimate interest in doing so (as explained above about Recipients).

bioMérieux ensures that the appropriate safeguards are in place (such as tools of transfer including standard contractual clauses provided by the European Commission and Transfer Impact Assessment) before such transfer is taking place.

## **Your rights regarding the processing of your Personal Data**

According to the regulations, you have, as data subject, some rights regarding the processing of your personal data.

If you exercise your rights, bioMérieux undertakes to respond as soon as possible, in any event within a period of one (1) month as from receipt of the request by the Data Protection Officer. If necessary this timeframe may be extended by two (2) months in view of the complexity or number of requests. bioMérieux will inform you in regard to this extension and the reasons for this report within a period of one (1) month as from receipt of your request.

Where your request is submitted in electronic format, the information will by default be provided electronically where possible, unless you expressly request for it to be provided in another manner.

If bioMérieux does not follow your request, bioMérieux will inform you without delay and in any event within a period of one (1) month as from receipt of the request, stating the reasons why bioMérieux will not take action and informing you about your right to lodge a claim with your local data protection authority and/or to seek judicial remedy.

Your rights regarding your Personal Data are summarised below. Please note that depending on the situation and the applicable regulation, your rights may be limited and subject to restrictions:

- **Right to access:** you have a right to get a confirmation whether or not your personal data are processed by bioMérieux and to get access to such data.
- **Right to correction:** you have a right to ask bioMérieux to correct any inaccurate personal data as soon as practicable.
- **Right to deletion (“Right to forget”):** you have a right to ask bioMérieux to delete your Personal Data as soon as practicable.

However, erasure cannot apply in the following cases:

- the processing is required to exercise the right to freedom of expression and information;
  - the processing is required in order to comply with a legal obligation provided for by European Union law, or by the domestic law that governs bioMérieux;
  - the processing is required to establish, exercise, or defend rights in court.
- **Right to object:** you have a right to object at any moment for reasons due to the particular situation to the processing of your personal data by bioMérieux. You may not be able to exercise your right in case the processing is required by law.
  - **Right to request the restriction of processing:** you have a right to request that bioMérieux restricts the processing of your personal data in the following cases:

- the accuracy of the personal data is disputed by you for a period that enables bioMérieux to check the accuracy of the personal data;
  - the processing is unlawful and you object to the erasure of the Personal Data, and are requiring the restriction of their use instead;
  - bioMérieux no longer requires personal data for processing purposes, but they are still required by you to establish, exercise, or defend a legal right.
- Right of portability: you have a right to receive personal data that have been provided to bioMérieux in a structured, currently used and machine readable format and you have the right to transfer your personal data to other Data Controllers. You also have the right to request that your personal data be directly transferred by bioMérieux to other Data Controllers if the transfer is technically possible. This right applies only in case the processing is based on your consent, or for the execution of a contract.

To exercise your rights, you can submit your request by filling this form : [BioMérieux - Data Subject's rights form](#)

### **Right to lodge a claim with a supervisory authority**

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Notwithstanding any other administrative or legal recourse, if you believes that your personal data were processed in a manner violating the data protection regulations and/or the principles set out in this Notice, you have the right to lodge a claim with local data protection authority.

To assert your rights, you may also appoint a body, an organisation, or a non-profit organisation.

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