

Data Privacy Notice – Compliance Helpline

March 2023

The data privacy regulations of some countries require that a person making a report or asking a question containing personal data must be notified of certain collection and retention practices regarding information submitted through this system, as well as consent to certain terms and conditions regarding the information submitted by that person. Therefore, you are being asked to kindly read and accept the terms contained in the Consent below by ticking the Consent box. You will then be guided to the report or question form. If you do not wish to accept the terms below, we are unable to accept any information through this system and would ask that you please report your concern or question to your local supervisor (if you are an employee of Brainlab), our Human Resources representative, our Compliance Officer or our Legal department instead.

Who is responsible for data processing?

Data Controller is the entity that is affected by the content of the report. The data controller therefore varies depending on the subject of the report. A list of the data controllers that can be relevant for a report can be found here: [Contact Brainlab](#) in section “Offices”.

This Data Protection Notice applies to all of the listed companies.

What is the Compliance Helpline?

The Brainlab Compliance Helpline is a confidential online and telephone reporting system provided by Brainlab AG and its subsidiaries. The webpage and the hotline through which you may report a concern or incident or ask a question, as well as the database that stores reported personal data and information, are operated by Navex Global, Inc., 5500 Meadows Road, Suite 500, Lake Oswego, Oregon 97035, USA (“Navex”).

The Compliance Helpline is a website and telephone based system offered by the Brainlab group to its employees, suppliers, customers and business partners. The Compliance Helpline allows to report concerns about or incidents involving non-compliant behavior of Brainlab employees, suppliers, customers and business partners or to ask compliance related questions. Use of the Compliance Helpline is voluntary. If your concern pertains to issues not covered by the system, you are encouraged to report them to your local supervisor (if you are an employee of Brainlab), our Human Resources representative, our Compliance Officer or our Legal department. Of course, we ensure that the scope of the Compliance Hotline is open for all legally required purposes.



Please be aware that the information you supply about yourself, employees, suppliers, customers and business partners of the Brainlab group, or any aspect in relation to Brainlab may result in decisions that affect others. Therefore, we ask that you only provide information that, to the best of your knowledge, is accurate and as concrete as possible. While you will not be sanctioned for submitting information in good faith, even if it later turns out to be incorrect, Brainlab reserves the right to take action against persons who knowingly provide false or misleading information.

You can choose whether you want to file your report under your name or if you wish to remain anonymous. All data provided will only be used for the respective purpose – either to answer a request or to process and follow up on the compliance concern raised.

The information you submit will be treated confidentially and we encourage you to identify yourself. We will then process your data based on your consent, Art. 6 para. 1 lit. a GDPR or, depending on the individual case, on the basis of our legal obligation pursuant to Art. 6 para 1 lit. c GDPR. You can revoke your consent at any time, for example by using the Compliance Helpline. However, please be aware that your personal data may have been forwarded to other parties in the meantime in order to answer your question or investigate your concern. Your identity will nevertheless not be revealed to a person you alleged of non-compliant behavior.

However, we acknowledge that there are certain situations in which you may prefer to stay anonymous. The Compliance Helpline provides an anonymous reporting option. In this case, we will not be processing any personal data of yourself. If you are making a report or asking a questions anonymously, please be careful to not submit any personal information, e.g. your name, job title, etc. and any other information that can be traced back to you.

We also process the data of the employees, suppliers, customers and business partners you mention. We process their data based on Art. 6 para. 1 lit. f GDPR or, depending on the individual case, on the basis of our legal obligation pursuant to Art. 6 para. 1 lit. c GDPR and for Germany additionally, § 26 BDSG. Our legitimate interest is our interest in avoiding, identifying and pursuing non-compliant situations involving Brainlab.

What information is collected when You use the Compliance Helpline?

The following information is collected directly from you:

- the country you are located in (required due to data privacy regulations) and whether you want to stay anonymous
- your name and contact details (unless you choose to stay anonymous)
- the details of the question you are asking or report you are making, such as the name and title of involved individuals and your affiliation to Brainlab.



For reports regarding non-compliant behavior, you will also be asked to include a description of the questionable conduct, including all relevant details like time, place, affected entity, and whether management has knowledge of the incident.

If you are filing a question or report via the telephone, we will be collecting the same information as above. We are not receiving the phone number from which you are calling and we do not record your call.

What happens, if a report is filed about me?

Pursuant to our obligations under Article 14 GDPR, we will inform you in case of an allegation of non-compliant behavior. However, this depends for example on whether the report was anonymous. We will make information available to you after one month, to the extent that no exception of Art. 14 para. 5 GDPR applies. This will be decided on an individual basis.

How will the information be used?

All the information will be stored in the database of the Compliance Helpline hosted by Navex. Navex is a processor who is bound to our instructions and adheres to the EU-Standard Contractual Clauses and additional measures to ensure a level of data protection as available in the European Union (EU) for the transfer of personal data to the US. Navex adequately secures and encrypts personal data during transfer and storage. Navex utilizes independent external auditors to verify its security.

For the purpose of processing your report, your personal data and information may be accessed, processed and used by the relevant personnel of Brainlab AG and if applicable, its affiliates, including the Compliance Officer, Human Resources, Internal Audit, the Legal department, or Management, external advisors (e.g. legal advisors), or by technical staff at Navex. In addition, all information you provide may be stored by Brainlab in the course of answering your question or investigating your report.

For the purposes of processing your question or report, conducting investigations and if necessary taking further action, the personal data and information submitted through the Compliance Helpline will be transferred to the Compliance Officer of Brainlab in Germany. Brainlab and if applicable, its affiliates, will evaluate the information provided, conduct investigations, and if applicable, may initiate remedies or sanctions.

Personal data and information may also be disclosed to the police and/or other enforcement or regulatory authorities. The relevant bodies that receive and process personal data may be located in the EU, the US, or in the applicable country. Please note that some countries do not provide the same level of data protection as available in the EU.



Pursuant to applicable laws, individuals you identify through the Compliance Helpline may be informed about the fact that a report has been made. In addition, individuals you identify will have the right to respond to or correct information you reported.

Usually, we will delete your personal data after 2 months after we have finalized our investigation. However, the personal data and information you provided will be kept as long as necessary to process your question or report, investigate or answer, and to initiate or monitor effectiveness of remedial measures or sanctions, as applicable. Thereafter the data will only be retained if required for legal reasons. In Germany, for example, there is an obligation to store data for two years if the report falls within the scope of the so-called Whistleblower Protection Act.

There is no automated decision-making including profiling according to Art. 22 GDPR.

Is my data transferred to third countries?

To allow a thorough investigation of the compliance issue or to answer your question, we use processor in third countries. In order to ensure an adequate level of data protection in these third countries, either adequacy decisions of the EU Commission or adequate and appropriate guarantees exist in the form of:

- Standard data protection clauses of the Commission (EU standard contract clauses).

Further information on the Standard Contractual Clauses can be found on the website of the EU-Commission. There you can also find a copy of the contract text.

What are your rights?

You have the right

- pursuant to Art. 15 GDPR to request information about your personal data processed by us;
- pursuant to Art. 16 GDPR to demand the rectification of inaccurate or the completion of incomplete personal data stored by us;
- pursuant to Art. 17 GDPR to demand the deletion of your personal data stored by us;
- pursuant to Art. 18 GDPR to obtain the restriction of the processing of your personal data
- pursuant to Art. 20 GDPR to receive your personal data, you have provided to us, in a structured, commonly used and machine-readable format or to request transmission to another controller;
- pursuant to Art. 7 para. 3 GDPR to withdraw a consent once given to us at any time. This also applies to consents that were given to us prior to the entry into force of the General Data Protection Regulation, i.e. before 25 May 2018. As a result, we will not be allowed to continue the processing based on this consent for the future without affecting the legality of the processing carried out on the basis of the consent until the withdrawal;
- pursuant to Art. 77 GDPR lodge a complaint with a supervisory authority.



Right to object pursuant to Art. 21 GDPR

You also have the right pursuant to Art. 21 (i), under certain conditions, to object to the processing of your personal data based on Art. 6 para. 1 lit. e GDPR (in the public interest) or pursuant to Art. 6 para. 1 lit. f GDPR (for safeguarding a legitimate interest), or (ii) to object to the processing for direct marketing purposes.

For asserting the statutory data subject rights and for all other questions about data processing, please write to the address of Brainlab AG listed in the Corporate Information link on the website or send an e-mail to dataprivacy@brainlab.com. The exercise of your above rights is free of charge for you.

Contact Details of Controller and Data Protection Officer

Controller	Data Protection Officer
Mint Medical GmbH, Burgstraße 61, 69121 Heidelberg, Germany	Dr. Daniel Christlein Burgstraße 61 69121 Heidelberg, Germany Email: d.christlein@mint-medical.de +49 6221 321800
Dr. Langer Medical GmbH, Am Bruckwald 26, 79183 Waldkirch, Germany	Datenschutzexperte.de Herr Dominik Fünkner Leopoldstraße 21 80802 München E-Mail: fuenkner@datenschutzexperte.de
Brainlab Ltda Avenida Angélica, nº 2.071, conj. 41, 42, 47 e 48 CEP 01227-200 Consolação São Paulo Brazil	Marco Aurelio Braga Sociedade de Advogados Avendida Sao Luis nº 50 – 241-A São Paulo Brazil
All other entities: (if a data protection officer or a European representation is required by law)	Intersoft consulting services AG Beim Strohause 17 20097 Hamburg Email: DSB-Brainlab@intersoft-consulting.de +49 40 790 235 - 0



Changes to the Privacy Policy

We reserve the right to change or amend this Privacy Policy at any time in accordance with applicable data protection laws.

For inquiries, please contact legal@brainlab.com.

Additional Policies for US Residents

Governing Law

If you are a resident of the United States, any dispute between you and Brainlab arising out of or relating to this Privacy Policy, the website or its content shall be governed by, and will be construed in accordance with, the laws of the State of New York, without regard to choice of law principles. You irrevocably agree that the courts located in or for the State of Illinois, Cook County, are the sole and exclusive forum and venue for any dispute, as the most convenient and appropriate to address any disputes, and you agree to submit to the jurisdiction and venue of such courts.

Children

Brainlab will not knowingly collect, use or disclose any information submitted by children under the age of majority in the jurisdiction where they reside. Parents are encouraged to educate their children about their use of the internet, and particularly about security issues regarding the disclosure of personally identifiable information to websites.

Links

You may have the opportunity to follow links on the website to other sites that may be of interest to you. Neither Brainlab nor its affiliates are responsible for the privacy practices of any other sites or the content provided thereon. Therefore, the privacy policies with respect to other sites may differ from those applicable to the website. We encourage you to review the privacy policies of each other site.

Changes to this Privacy Policy

Any revisions to this Privacy Policy will be effective immediately upon posting. Any material changes in the manner that we use personally identifiable information will apply only to information collected thereafter, unless we provide notice or have other communications with you, e.g. with a pop-up cookie notification banner. Each time you access, use, or browse the website, provide information to Brainlab online, you signify your acceptance of the then-current Privacy Policy. If you do not accept this Privacy Policy, you are not authorized to access, use or browse the website, to provide information to Brainlab.

Communication with You



You authorize Brainlab to communicate with you in response to your submissions on the website and any other communications.