

## **IrriGUIDE Lab, LLC Privacy Notice**

IrriGUIDE Lab values your privacy and the protection of your Personal Data. This IrriGUIDE Lab Privacy Notice (“Notice”) explains how we collect, use, share, transfer, and process information collected from or about you (“Personal Data”) (as defined further below) by any subsidiary or affiliate of IrriGUIDE Lab, LLC (collectively “IrriGUIDE Lab,” “we,” “our,” or “us”).

The IrriGUIDE Lab subsidiary or affiliate with whom you, your Healthcare Provider, or your patient is interacting or who owns and operates the Product or Service is, where applicable, the entity responsible for the collection and use of your Personal Data (known in some jurisdictions as the data controller).

Please carefully review this Notice. We will process any Personal Data we collect in accordance with applicable law and as explained in this Notice (unless, as explained below, a separate policy or notice governs). In some circumstances, if you do not want to provide us with your information, certain Products and Services may be unavailable to you. To the extent permitted by applicable law, by providing us your Personal Data or otherwise interacting with us, you are agreeing to this Notice. If you do not agree with our policies and practices, it is your choice not to use our Products and Services or otherwise engage with us.

If you provide Personal Data of anyone other than yourself, please note that you are responsible for complying with all applicable privacy and data protection laws prior to providing that information to IrriGUIDE Lab (including obtaining consent, if necessary and required).

### **Purpose of this Privacy Notice**

This Notice describes the types of Personal Data that IrriGUIDE Lab may collect or process, how we may use and disclose that Personal Data, and how you may exercise any rights you may have regarding the processing of your Personal Data. This Notice applies to Personal Data collected or processed by us.

Some examples of instances where we collect Personal Data include:

Through online activities and services we offer (through this and other websites, web surveys, newsletters, applications, online messaging services or channels, including online “chats” with live individuals and artificial intelligence, social media, our telephone customer service centers, email or SMS/text messages, and otherwise) (“Online Services”);

Through your account and our products or services, whether provided directly to you or your patient, or if you are a patient, through your doctor, hospital, medical treatment or scanning facility, or other healthcare provider (collectively, “Healthcare Provider,” which refers both to the Healthcare Provider institution, organization, or company, and individuals employed by or working for or with such organization);

In other situations where you interact with us, including but not limited to interacting with us by visiting our sites, offices, or our events (such as tradeshows and conferences) (“Events”) (our Online Service, Events, and other products and services are collectively referred to in this Notice as “Products and Services”). Related to activities we undertake in recruiting participants for participation in clinical trials or activities related to identifying and contracting with study investigators and their staff;

In connection with adverse events, complaints, and reports;

When you interact with us in a professional capacity, for example, if you are a Healthcare Provider or an employee of a company we do business with or provide Products and Services to;

When we undertake employment recruiting activities; or  
Anywhere this Notice is posted or referenced.

IrrIGUIDE Lab may have other unique privacy notices that apply to certain specific situations, such as privacy notices for specific Products and Services. To the extent you were provided with a different privacy notice or policy that applies, those policies or notices will govern our interactions with you, not this one.

## We process these types of Personal Data:

*Identity and Contact Information, such as:*

- first and last name or unique pseudonym
- honorifics and titles, preferred form of address
- employer/company
- email address
- postal address
- phone number
- username or code and password<sup>^</sup>, security answers<sup>^</sup>, and user preferences
- contact information for related persons, such as authorized users of your account or designated representatives
- customer number
- company ID number such as account number
- National Provider Identifier (NPI) number

*Other Personal Information, such as:*

- age
- gender
- preferred language
- marital status
- disability
- date of birth

*Video, Audio and Recorded Information, such as:*

- still images
- video (including via CCTV)
- voicemails
- recordings of your interactions with our Online Services, including with our customer service, whether through phone, email, SMS/text message, or chat

*Technical Information, such as:*

- Internet Protocol (IP) addresses (which may identify your general geographic location or company)
- browser type and browser language
- device type
- advertising IDs associated with your device (such as Apple's Identifier for Advertising (IDFA) or Android's Advertising ID (AAID))
- date and time you use our Products and Services

- Uniform Resource Locators, or URLs (i.e., website addresses) visited prior to arriving and after leaving our Products and Services
- Activity and online behavior while on our Products and Services and referring websites or applications, including forms and other information submitted, videos watched, your clicks on our site pages, and product descriptions read
- data collected from cookies or other similar technologies
- geolocation information\*\*\*\*

*Anonymized / De-identified Data*

- Anonymized data is data for which your individual personal characteristics have been removed such that you are not identified and the information is no longer considered Personal Data under data protection laws\*\*\*

**We obtain the Personal Data from:**

- you directly
- Healthcare Providers
- those authorized to provide Personal Data on your behalf, such as your caregiver or authorized representative
- your devices
- third parties that provide access to information you make available, such as social media
- companies conducting non-clinical research such as market research companies
- our business partners or other third parties that assist us in providing and improving our Products and Services

**We process this Personal Data for the following purposes:**

- to provide you with our Products and Services
- to communicate with you
- to administer our relationship with you
- to send you updates
- to identify and authenticate you
- to detect security incidents
- to protect against malicious, fraudulent or illegal activity
- to ensure the appropriate use of our Products and Services
- to improve our Products and Services
- for short-term, transient use
- for administrative purposes
- for quality assurance
- to generate surgeon- specific performance analytics relating to their patients' pre-operative, intra-operative, and post-operative insights and to further enable Healthcare Providers to compare aggregated, deidentified performance analytics across other Healthcare Providers – either regionally or globally.
- for internal research and development to evaluate the effectiveness of and improve our Products and Services and to develop new products and services
- to determine and verify Products and Services eligibility and coverage
- in connection with adverse event and complaint tracking and reporting
- to procure third party products and services, including to manage and satisfy related third party contractual obligations
- for marketing, advertising, and product promotion, including to contact you regarding programs, Products and Services, and topics that may be of interest or useful to you

- to comply with legal and regulatory obligations

### **We process this Personal Data under the following legal bases:**

- for the purposes of our legitimate interests
- for medical diagnosis and the provision of healthcare or treatment
- to comply with legal and regulatory obligations and to establish, exercise or defend our legal claims or rights.
- in preparation for or to perform a contract
- to protect vital interests or in the public interest
- for reasons of public health, including ensuring high standards of quality and safety of healthcare and medical devices
- for scientific or historical research or statistical purposes
- in circumstances where we have requested and received consent, including from Patients directly for their use of certain Products or Services, and for other purposes that may be required or allowed by law

### **We may share this Personal Data with:**

- IrriGUIDE Lab, our affiliates, subsidiaries, and related companies
- Healthcare Providers
- individuals or entities that you designate or instruct us to share your Personal Data with
- authorized representatives, family members, and caregivers
- third parties who assist with fraud prevention, detection, and mitigation
- third parties who assist with our information technology and security programs and our loss prevention programs
- IrriGUIDE Lab's lawyers, auditors, and consultants
- third parties with your consent
- partners that assist us in providing the Products or Services or help us improve our marketing or administration

### **Selling and Sharing Your Personal Data**

We allow certain third parties to collect information about the users of our Products and Services to provide valuable services to us, such as fraud detection and reporting, analytics, and advertising services, including cross-contextual behavioral advertising. This may include sharing information about your interactions with our Products and Services, including information about videos you may watch in connection with our Products and Services and disease, treatment, Healthcare Provider, or other information searched for or viewed in connection with our Products and Services for the purposes of providing you with information and advertising related to your searches, queries, or other interactions with our Products and Services. These activities may be considered a "sale" or "sharing" under some laws. **To opt-out of any sale or sharing of Personal Data, please contact us as described in the section below titled "Your Rights Regarding Your Personal Data."**

### **Marketing, Cookies, and Analytics**

To the extent permitted by law, including with your consent where required, we may engage in the following activities:

We may use your contact details to contact you to determine whether you would like to initiate a business relationship with us or to send you marketing emails. You may unsubscribe from any marketing or promotional emails. To do so, please email us at [info@irriguidelab.com](mailto:info@irriguidelab.com) or use the

unsubscribe mechanism offered in our marketing emails or other communications, as applicable. Please note that if you already have requested our Products or Services when you decide to withdraw consent, a short period of time may elapse before we can update your preferences and ensure that we honor your request.

We may collect Personal Data automatically through cookies and other technologies to provide functionality to our Products and Services; to recognize you across devices when using our Products and Services; in each case where this is justified under applicable data protection law for our legitimate business purposes or with consent, where required. These legitimate business purposes include evaluating information about the use of our Products and Services and identifying trends; developing or enhancing our Products and Services; providing an experience tailored to you when you use our Products and Services; affecting certain security controls; and, identifying the advertisements and offers we think may interest you so that we may display them to you when you use our Products and Services.

We may display advertisements to you regarding Products and Services that we believe are relevant to you based on your activities while using our Products or Services or on other web or digital properties. Such advertisements may be shown to you while you are using our Products or Services or while you are using the online services of others. We achieve this by using, and allowing third parties (including social media companies) to use certain cookies, eTags, pixels, web beacons, and other tracking technologies such as Google Analytics to track your activities while using our Products or Services or while using other online services. For more information about these activities and how to manage or opt out of them, please see our Cookie Notice or contact us.

We may make offers to you based on your activities or interactions with IrriGUIDE Lab that are not through online Products and Services (for example, regional offers based on the location of your office listed on order forms).

We also perform statistical analyses of the users of our Products and Services to improve the functionality, content, design, and navigation of the Products and Services, and to market the Products and Services.

You may be able to opt out of or revoke your consent to, as applicable, receiving web-based personalized advertisements from companies who are members of the Network Advertising Initiative by going to <http://optout.networkadvertising.org/?c=1> or participate in the Digital Advertising Alliance Self-Regulatory Program by going to <http://www.aboutads.info/>.

## **Public Interactive Features of our Websites**

To the extent we offer any public or group forums on our Products or Services, such as newsfeeds, blogs, message boards, or similar tools (“Interactive Features”), the posts or comments you make may be public and viewed by others. You should use care before posting information about yourself, including Personal Data. Because these are public postings, you should have no expectation of privacy or confidentiality in the content you submit to Interactive Features in connection with the Products and Services. Your disclosure of any Personal Data through the Interactive Features is at your own risk. Based on your disclosure of Personal Data through the Interactive Features we may use anonymized and/or de-identified data for which your individual personal characteristics have been removed such that you are not identified and the information is no longer considered Personal Data under data protection laws

## **Third Parties**

### **Service Providers**

Service providers or vendors (or processors) acting on our behalf must execute agreements requiring them to maintain confidentiality and to process Personal Data only to provide the services to us and in a way that aligns with this Notice, other applicable privacy notices, and as explicitly permitted or required by applicable laws, rules, and regulations.

### **Combination of Data**

We may combine information we collect, whether Personal Data or not, with Personal Data that we may obtain from third parties, including Healthcare Providers and third-party data repositories such as data brokers.

## **Links to Other Websites**

Our Products or Services may contain links to other websites, applications, products, or services that are not owned or operated by IrriGUIDE Lab, LLC, such as social media websites and applications like Facebook and Twitter. Such links do not imply an endorsement with respect to any third party, any website, or the products or services provided thereby. You should carefully review the privacy policies and practices of other websites, products, and services as we cannot control and are not responsible for privacy policies, notices, or practices of third party websites, applications, products, and services.

## **Safeguarding Information**

Consistent with applicable laws and requirements, IrriGUIDE Lab has put in place physical, technical, and administrative safeguards to protect Personal Data from loss, misuse, alteration, theft, unauthorized access, and unauthorized disclosure, consistent with legal obligations and industry practices. However, as is the case with all websites, applications, products, and services, we unfortunately are not able to guarantee security for data collected through our Products and Services. In addition, it is your responsibility to safeguard any passwords, identification or ID numbers, or similar individual information associated with your use of the Products and Services.

## **Your Rights Regarding Your Personal Information**

Depending on where you live, you may have the following rights with respect to some or all of your Personal Data:

- To exercise the rights described under the section above titled “Selling and Sharing Your Personal Data”;
- To request information about whether, and how, we process your Personal Data;
- to request access to and a copy of your Personal Data including to provide your Personal Data directly to another organization (called, in some locations, a right to data portability) (including under GDPR Articles 15 and 20);
- to request that we correct or update your Personal Data (including under GDPR Article 16);
- to request that we delete your Personal Data (including under GDPR Article 17);
- to request that we restrict or block or to object to or opt-out of the processing of your Personal Data, including your sensitive Personal Data (including under GDPR Articles 18, 21 and 22), or to revoke your consent (including under GDPR Article 7);

to appeal the denial of a request; and  
to lodge a complaint with the data protection authority in your jurisdiction.

To exercise these rights, appeal the denial of one of your requests, or make a complaint about how we process your Personal Data, please submit a request to [info@irriguidelab.com](mailto:info@irriguidelab.com).

IrriGUIDE Lab will not discriminate against you for exercising any of the rights described above, although we may not be able to continue to provide you with certain Products and Services or it may otherwise affect the way we are able to interact with you.

Please note that after receiving your request, we may require additional information from you or your authorized agent to honor your request and may deny your request if we cannot verify your identity or status. Please be aware that we may be unable to afford these rights to you under certain circumstances, such as if we are legally prevented from doing so.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>.

When we receive your Personal Data from others, including your Healthcare Provider, and process your Personal Data on their behalf, we may do so at their request and subject to their instructions. In that case, we do not have control over their privacy and security practices and processes. If your Personal Data has been submitted to us by a third party, we may need to ask you to contact them directly or we may be able to contact them on your behalf. If we need you to contact them directly, we will let you know.

## **Marketing and Promotional Emails**

You may unsubscribe from any marketing or promotional emails. To do so, please email us at [info@irriguidelab.com](mailto:info@irriguidelab.com) or use the unsubscribe mechanism offered in our marketing emails or other communications, as applicable. Please note that if you already have requested our Products or Services when you decide to withdraw consent, a short period of time may elapse before we can update your preferences and ensure that we honor your request.

## **How Long Your Personal Information Will Be Retained**

We generally retain Personal Data for as long as needed for the specific purpose or purposes for which it was collected or obtained, and as outlined in this Notice. In some cases, we may be required to retain Personal Data for a longer period of time by law or for other necessary or required purposes. Whenever possible, we aim to de-identify or anonymize your Personal Data or otherwise remove some or all information that may identify you from records that we may need to keep for periods beyond the specified retention period. The criteria used to determine our retention periods include: (i) the length of time we have an ongoing relationship with you; (ii) whether there is a legal obligation to which we are subject that affects the length of time we need to keep your Personal Data; and (iii) whether retention is determined to be necessary for IrriGUIDE Lab due to limitation periods, litigation, or other legal or regulatory obligations. IrriGUIDE Lab takes reasonable steps to dispose of Personal Data upon the expiration of retention periods, taking into consideration these litigation, legal, or regulatory obligations.

## **Changes to This Privacy Notice**

This privacy notice is effective as of the date last updated, as indicated below. We may update this Notice from time to time without notice. As such, you should review this Notice periodically. Your

continued interactions with us and/or the use of our Products and Services subject to this Notice constitutes your agreement to this Notice.

Updated: January 2025