



## **BVI Holdings Limited**

### **Data Protection and Privacy Shield Policy**

BVI Medical, Inc. and its parent, BVI Holdings Limited and its subsidiaries and divisions as set forth in Appendix A attached hereto, (collectively hereinafter referred to as "BVI") respects individual privacy and values the confidence of its customers, employees, vendors, business partners and others. BVI strives to collect, store, process and distribute Personal Information in a manner consistent with the laws of the countries and jurisdictions in which it does business and has a tradition of upholding the highest ethical standards in its business practices.

BVI has adopted this policy to establish and maintain an adequate level of privacy protection for personal information and to outline how BVI collects, uses and discloses certain personal information, and the choices affected individuals have regarding BVI's use of that information. To better provide adequate privacy protection, BVI has elected to participate in the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks ("Privacy Shield") administered by the U.S. Department of Commerce regarding personal information transferred to the United States from the European Economic Area and Switzerland and also utilizes additional safeguards to ensure that personal information is adequately protected and any data transfers are carried out in accordance with the law.

BVI complies with the EU-US and Swiss-US Privacy Shield Frameworks as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. BVI has certified that it adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability. If there is any conflict between the policies in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>

I **I. DEFINITIONS:** For purposes of this Policy, the following definitions shall apply:

"Agent" means any third party that processes Personal Information provided by BVI to perform tasks on behalf of or at the instruction of BVI.

"Personal Information" means any information or set of information that identifies or could be used by or on behalf of BVI to identify an individual. Personal Information does not include information that is aggregated or anonymized.

"Sensitive Personal Information" means Personal Information that reveals racial or ethnic origin, trade union membership, political opinions, religious beliefs (or beliefs of a similar nature), or that concern physical or mental health or condition, sexual life, the commission or alleged commission of any offence or any proceedings for any offence committed or alleged to have been committed. In addition, BVI will treat as sensitive Personal Information any Information received from a third party where that third party treats and identifies the information as sensitive.



**II. SCOPE.** This Policy applies to all Personal Information received by BVI in any format including electronic, paper or verbal. BVI collects, stores and processes Personal Information concerning customers, vendors, and current and former employees, as well as applicants for employment through its Internet websites, its intranet site, electronic mail and in offline formats. On a global basis, BVI will, and will cause its affiliates to, establish and maintain business procedures that are consistent with this Policy.

**III. INFORMATION COLLECTION AND USE.** Personal Information collected, stored and processed by BVI from employees and applicants for employment is maintained at its corporate offices in the United States or in the United Kingdom, or at other BVI facilities, consistent with local legislation. BVI collects Personal Information, such as name, contact information, taxpayer ID numbers, payroll information and employment histories for employment related purposes and legitimate human resource business reasons such as recruitment and staffing; payroll administration; absence monitoring; training and development; management planning; appraisal and promotion; production and publication of company address books and telephone and e-mail directories; production of employee Identity cards; monitoring the use of company resources; information to contact close relatives in case of emergency; filling employment positions; administration and operations of its benefit and compensation programs; meeting governmental reporting requirements; security, health and safety management; performance management; company network access; and authentication. BVI does not request or gather information regarding political opinions, religion, philosophy or sexual preference. To the extent BVI maintains information on trade union membership, medical health, race or ethnicity, BVI will protect, secure and process that Information in a manner consistent with this Policy and applicable law.

Personal Information collected by BVI from prospective customers, consumers, vendors, business partners and others may be maintained at its corporate offices in the United States or in the United Kingdom, or at other BVI facilities, consistent with local legislation. BVI collects Personal Information, such as name, contact information, demographic information and payment information for legitimate business reasons such as customer service; product, warranty and claims administration; meeting governmental reporting and records requirements; maintenance of accurate accounts payable and receivable records; internal marketing research; safety and performance management; financial and sales data; and communications.

BVI may also collect information concerning website users through the use of "cookies" or similar data collection technologies in order to provide better customer service. "Cookies" are small files that websites place on users' computers to identify the user and enhance the website experience. Company personnel periodically audit BVI's commercial websites to determine what cookies are used on each. The cookies used are typically not intrusive and are not typically used to identify visitors personally. These passive information technologies enable BVI to provide better service to our customers, compile statistics, analyze trends and otherwise administer and improve BVI's websites. Information collected by these technologies cannot be used to identify a specific user without additional identifiable information and BVI will not connect additional identifiable information with information collected through such technologies as cookies.



Visitors may set their browsers to provide notice before they receive a cookie, giving the opportunity to decide whether to accept the cookie. Visitors can also set their browsers to turn off cookies. Visitors can learn how to control or delete cookies used on BVI's websites by visiting <http://www.aboutcookies.org> for detailed guidance. If visitors do suppress the website cookies, however, some areas of BVI websites may not function properly. BVI's website does not respond to "Do Not Track" signals. BVI – June 1, 2021

**IV. INFORMATION SHARING.** BVI may share Personal Information with third parties in a manner consistent with this Policy. BVI shares Personal Information with Agents who complete transactions or perform services on our behalf or for your benefit, such as payment processing, website hosting, marketing, analytics, payroll, or to verify personal information, such as mailing address. Under certain circumstances, BVI may be required to disclose Personal Information in response to valid requests by public authorities, including to meet national security or law enforcement requirements. BVI may need to disclose Personal Information to investigate claims, disputes or litigation, when otherwise required by law, or if BVI determines its disclosure is necessary to protect the health and safety of individuals, or to enforce legal rights or contractual commitments.

BVI may also disclose Personal Information as part of a corporate business transaction, such as a merger, acquisition, joint venture, or financing or sale of company assets, including bankruptcy proceedings, and could be transferred to a third party as one of the business assets in such a transaction. It may also be disclosed in the event of insolvency, bankruptcy or receivership. BVI does not "sell" Personal Information and has not done so in the prior twelve months (or at any time).

**V. LEGAL BASIS FOR PROCESSING.** Our legal basis for processing personal data as described above:

- To comply with legal obligations;
- To perform contracts;
- To pursue our legitimate interests of:
  - Delivering our goods or services;
  - Administering the employment relationship or considering prospective employees;
  - Providing our website and related services;
  - business development and general marketing;
  - providing you with information on our services and events, and
  - ensuring we build and maintain a good working relationship with you
- Your consent, where we make it clear to you in advance that we are relying on you consent.



## VI. PRIVACY SHIELD PRINCIPLES.

**NOTICE:** Where BVI collects Personal Information directly from individuals, it will inform them about the purposes for which it collects, stores and processes Personal Information about them, the types of non-Agent third parties to which BVI discloses that information, and the choices and means, if any, BVI offers individuals for limiting the use and disclosure of their Personal Information. Notice will be provided in clear and conspicuous language when individuals are first asked to provide Personal Information to BVI, or as soon as practicable thereafter, and in any event before BVI uses the information for a purpose other than that for which it was originally collected.

**CHOICE:** BVI offers individuals the opportunity to choose (opt-out) whether their Personal Information is (a) to be disclosed to a non-Agent third party, or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual. To exercise this choice an individual may contact us using the contact information provided below indicating their opt-out request. For Sensitive Personal Information, BVI will give individuals the opportunity to affirmatively and explicitly (opt-in) consent to the disclosure of the information to a non-agent third party or the use of the information for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

**ACCOUNTABILITY FOR ONWARD TRANSFER:** Where required by the Privacy Shield BVI will enter into contracts with its Agents that they will safeguard Personal Information consistent with the Principles and limiting their use of the information to the specified services provided on our behalf. Where BVI has knowledge that an Agent is using or disclosing Personal Information in a manner contrary to this Policy, BVI will take reasonable steps to prevent or stop the use or disclosure. BVI holds its Agents accountable for maintaining the trust our employees and customers place in the company. Under certain circumstances, BVI may remain liable under the Principles if the third party Agents process Personal Information in a manner inconsistent with the Principles.

**ACCESS AND CORRECTION:** In some circumstances, individuals have the right to access the personal information that we maintain about them. Upon request, BVI will grant individuals reasonable access to Personal Information that it holds about them. In addition, BVI will take reasonable steps to permit individuals to correct, amend or delete information that is demonstrated to be inaccurate, incomplete or has been processed in violation of the Principles. These access rights may not apply fully in some cases, including where providing access is unreasonably burdensome or expensive under the circumstances or where it would violate the rights of someone other than the individual requesting access. Any consumers who would like to request access to, correction, amendment or deletion of their Personal Information, you can submit a written request to the contact information provided below. We may request specific information from you to confirm your identity. Any employees that desire to review or update their Personal Information can do so by contacting their local Human Resources Representative.



**RECOURSE, ENFORCEMENT AND LIABILITY:** BVI will conduct compliance audits of its relevant privacy practices to verify adherence to this Policy and the Privacy Shield Principles. Any employee that BVI determines is in violation of this Policy will be subject to disciplinary action up to and including termination of employment.

**VII. COMPLAINTS AND DISPUTE RESOLUTION UNDER PRIVACY SHIELD.** BVI commits to resolve complaints about your privacy and our collection or use of your personal information. Any questions or concerns regarding the use or disclosure of Personal Information should be directed to BVI's Data Protection and Privacy Officer. European Union or Swiss citizens with inquiries or complaints regarding this Privacy Policy should contact BVI at:

BVI Privacy Inquiries  
Attention: Global Data Protection and Privacy Officer  
Beaver-Visitec International Holdings, Inc.  
10 CityPoint  
500 Totten Pond Road  
Waltham, MA 02451  
Phone No. 781-906-7903

BVI has further committed to refer unresolved privacy complaints under the Privacy Shield Principles to BBB EU PRIVACY SHIELD, a non-profit alternative dispute resolution provider located in the United States and operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit [www.bbb.org/EU-privacy-shield/for-eu-consumers/](http://www.bbb.org/EU-privacy-shield/for-eu-consumers/) for more information and to file a complaint. BVI – June 1, 2021

For purposes of enforcing compliance with the Privacy Shield, BVI is subject to the investigatory and enforcement authority of the US Federal Trade Commission.

You may have the option to select binding arbitration for the resolution of your complaint under certain circumstances, provided you have taken the following steps: (1) raised your complaint directly with BVI and provided us the opportunity to resolve the issue; (2) made use of the independent dispute resolution mechanism identified above; and (3) raised the issue through the relevant data protection authority and allowed the U.S. Department of Commerce an opportunity to resolve the complaint at no cost to you. For more information on binding arbitration, please visit the U.S. Department of Commerce's website at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

For complaints concerning the personal information of BVI employees BVI commits to cooperate with *the panel established by the EU data protection authorities (DPAs) and/or the Swiss Federal Data Protection and Information Commissioner, respectively*, and comply with the advice given by *the panel and/or Commissioner* with regard to human resources data transferred from *the EU and/or Switzerland, respectively*, in the context of the employment relationship.



**VIII. RIGHTS IN CONNECTION WITH PERSONAL INFORMATION.** If your Personal Information is protected under the EU General Data Protection Regulation, the UK Data Protection Act 2018 or the California Consumer Privacy Act in certain circumstances, you may have the right to: Request access to your Personal information (commonly known as a “data subject access request”). This enables you to request a copy of the Personal information we hold about you and to check that we are processing it lawfully.

- Request correction of the Personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your Personal information. This enables you to ask us to delete or remove Personal information where there is no good reason for us continuing to process it.
- Object to the processing of your Personal information where we are relying on a legitimate interest (or those of a third party) and, other than for the purposes of direct marketing, there is something about your particular situation which makes you want to object to processing on this ground. You have the right to object to our use of your personal information for direct marketing at any time.
- Opt-out of the sale of your Personal information. Since we do not sell your Personal information, you are already opted-out of such sales.
- Request the restriction of processing of your Personal information. This enables you to ask us to suspend the processing of Personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your Personal information to another party. This right will only apply in limited circumstances, where we process your Personal information based on your consent or where the processing of Personal information is necessary for the performance of a contract between us.

The rights described herein are not absolute and we reserve all of our rights available to us under applicable law in this regard. We do not discriminate against you, for example, by charging you a different price or offering a different level of service, for exercising any of these rights.

You also have the right to lodge a complaint with your competent Data Protection Supervisory Authority. We would, however, appreciate the opportunity to address your concerns before you approach a supervisory authority, so please contact us in the first instance.

*What we may need from you*

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights), and in some instances, provide a signed declaration under penalty of perjury that you are the individual whose personal information is the subject of the request. If it is necessary to collect additional information from you, we will use the information only for verification purposes and will delete it as soon as practicable after complying with the request. For requests related to particularly sensitive information, we may require additional proof



of identification. This is another appropriate security measure to ensure that Personal information is not disclosed to any person who has no right to receive it.

If you make a request through an authorized agent, we will require written proof that the agent is authorized to act on your behalf.

*California Residents – “Shine the Light”*

We do not provide your Personal information to third parties for such third parties’ direct marketing purposes. Please note that California Civil Code Section 1798.83 permits California residents to request certain information regarding disclosure of such individuals’ personal information to third parties for such third parties’ direct marketing purposes. As noted in the “How We Use Personal information” section above, your personal information may be subject to certain third parties’ privacy policies.

**IX. DATA RETENTION.** BVI will only retain your Personal Information for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or tax requirements.

To determine the appropriate retention period for Personal Information, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Information, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal requirements.

**X. INTERNATIONAL TRANSFERS.** Where applicable, to protect your Personal Data under applicable privacy laws, we ensure your Personal Information is adequately protected and that such transfers are carried out in accordance with the law by ensuring at least one of the following safeguards is implemented:

- The country to which a transfer is made has been deemed to provide an adequate level of protection by the European Commission;
- There are specific contracts in place with the recipient of your Personal Information (“Standard Contractual Clauses”) which have been approved by the European Commission as providing your Personal Information with an adequate level of protection: or
- In certain circumstances, where you have given us your explicit consent to the transfer of your Personal Data outside the EEA.

Please contact us if you want further information on the specific mechanism used by us when transferring your Personal Information or to obtain a copy of any Standard Contractual Clauses utilized.



**XI. THIRD PARTY LINKS.** BVI websites may contain links to other "non-BVI" websites. BVI assumes no responsibility for the content or the privacy policies and practices on those websites. BVI encourages all users to read the privacy statements of those sites; their privacy practices may differ from those of BVI.

**XII. CHILDREN.** BVI does not knowingly solicit or collect any Personal Information directly from children under sixteen (16) years of age. If you are under sixteen (16) years of age, do not send any information about yourself to us. Please contact us as provided below in the Contact Us section if you believe we may have collected such information. BVI may collect certain information about minors in the context of an employment relationship, for example, information about dependents.

**XIII. CONTACT INFORMATION.** Questions or comments regarding this Policy should be submitted to:  
By Email: [data\\_privacy@bvimedical.com](mailto:data_privacy@bvimedical.com)

By Mail: BVI Privacy Inquiries

Attention: Global Data Protection and Privacy Officer  
Beaver-Visitec International Holdings, Inc.  
10 CityPoint  
500 Totten Pond Road  
Waltham, MA 02451  
Phone No. 781-906-7903

Any inquiries should include the individual/company name, address, and other relevant contact information (phone number, email address). BVI will use all reasonable efforts to respond to such requests as quickly as possible.

**XIV. CHANGES TO THIS PRIVACY POLICY.** The practices described in this Policy are current Personal Information protection policies as of June 1, 2021. BVI reserves the right to modify or amend this Policy at any time consistent with the requirements of the Privacy Shield Principles. Appropriate notice will be given concerning such amendments.



**Appendix A - BVI Privacy Policy**  
**BVI Holdings Limited**  
**Subsidiaries and Divisions**

Arcadophta SARL  
Beaver Visitec International Japan KK  
Beaver-Visitec International (UK) Limited  
Beaver-Visitec International (US) Inc.  
Beaver-Visitec International Australia Pty Ltd  
Beaver-Visitec International Inc.  
Beaver-Visitec International Ireland Limited  
Beaver-Visitec International Limited  
Beaver-Visitec International Sales Limited  
Beaver-Visitec International Sales Limited (Russian Branch)  
Beaver-Visitec International Sales Limited (Belgian Branch)  
Beaver-Visitec International Sales Limited (French Branch)  
Beaver-Visitec International Sales Limited (German Branch)  
Beaver-Visitec International Sales Limited (Italian Branch)  
Beaver-Visitec International Sales Limited (Spanish Branch)  
Beaver-Visitec International Sales PTE LTD  
Benz R&D LLC  
BVI Audley Inc.  
BVI Brasil Produtos Medicos Limitada (Brazil)  
BVI Florida Inc.  
BVI France SAS  
BVI Holdings Kensington Limited  
BVI Holdings Mayfair Limited  
BVI – June 1, 2021  
BVI Italy SRL  
BVI Knightsbridge Limited  
BVI Medical Inc.  
BVI Ovington Limited  
BVI Oxford Inc.  
BVI Sweden  
BVI Victoria Limited  
Crea IP BV  
DJ Instrumenter A/S  
J. Bannon Holdings Limited



John Bannon Limited  
Malosa (BVI) Limited  
Malosa (HK) Limited  
Malosa Limited  
Malosa Medical Instruments (Changshu) Limited  
Malosa Medical Instruments (Shanghai) Limited  
NUF Alyko Medical  
Optikon SPA  
Optishare SRL  
PhysIOL Group SA  
PhysIOL SA  
SpecialEyes LLC  
Vitrex BV  
Vitrex Holding BV