

Privacy Policy

Effective as of October 04, 2019

1. General

The protection of your personal data is very important to us. At this point, we would like to inform you about data protection in our company. Your personal data will solely be used within statutory data protection regulations, such as the General Data Protection Regulation (GDPR) or the new Federal Data Protection Act (BDSG). Our employees and agents are obliged to comply with data protection regulations. Below you will find information about the nature, scope and purpose of the collection and use of your personal data and your rights.

2. When you visit the Brainlab Online Campus

2.1 Scope of data collection and storage

Ser. No.	Data	Purpose	Legal basis
1.	First and last name, business e-mail address, work place, hospital/employer	Registration*	Art. 6 sec. 1 lit. b and f GDPR
2.	First and last name, e-mail-adress, time of login, trainings taken, time when the training was taken, trainings completed and score, certifications acquired	Login**	Art. 6 sec. 1 lit. b GDPR
3.	Session data (i.e. session tokens, language theme, dashboard access cache)	Session Management***	Art. 6 Sec. 1 lit. f GDPR

* **Registration:** When you register (or the clinic where you work) on our website for the Brainlab Online Campus, a form will be used to request the information indicated above in order to verify whether you are entitled to register an account.

The information from this form is sent to Brainlab via e-mail. Brainlab then verifies in the Salesforce CRM system (or, if necessary, by asking an Application Consultant (i.e. the Brainlab employees of various Brainlab companies who support the Brainlab customers on-site during the installation and operation of the Brainlab products)) whether your clinic/employer is a Brainlab customer. If so, Brainlab creates a Brainlab Online Campus account, provided and operated by our external service provider SumTotal, with your name and email address.

****Login:** When you log in to the Brainlab Online Campus, we process your personal information in order to provide the service, e.g. to document learning progress.

***** Session Management:** When you log on to the Brainlab Online Campus, SumTotal collects technical data via its own cookies in the browser's cache, so-called session data, in order to maintain the session. This data is deleted after the session. We use the following cookies:

Cookie Name	Details	Time
AspenUser	Preferences of user in Learning application.	Persistent (24 hours)
SumTheme	Keeps the user's assign theme (since sites can have multiple themes). Used to display the correct theme for the user. No user data.	Persistent (5 years)
Cuture	The user's preferred culture/language. Necessary to display any message to the user in their correct language before they are authenticated. No user data.	Persistent (1 year). Note by Brainlab: we do not store culture-relevant personal information on the Online Campus. Every user gets assigned to the en-US language scheme.
Portalcache	Uses hashes to keep track of which versions of certain UI components the user has already downloaded, so that if the UI component is updated a new version can be downloaded. No user data.	Persistent (1 year)
HYBRID_CLIENT	Identifier to help determine the origin of requests. Only present when the request originates from mobile application. No user information stored.	Session.

2.2 Source, unless the data was collected from the data subject

Sec. 2.1 Ser. No.	Source
3.	Terminal device of the user

The other data will be entered by you during registration and login.

2.3 Obligation to provide data and automated decision-making

There is no legal or contractual obligation to provide personal data but the consequence of not providing personal data is that participation in the Brainlab Online Campus is not possible.

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

3. Newsletter registration

3.1 Scope of data collection and storage

Ser. No.	Data	Purpose	Legal basis
1.	Contact form data (title, first name, last name, institution, e-mail address, function, consent data)	Submission of blog articles, information on products and services *	Para. 7 Sec. 2 No. 3 Unfair Competition Act – UWG

* Used for this purpose only if you have consented to it. In this case, we also record the consent you have given us.

3.2 Source, unless the data was collected from the data subject

Sec. 3.1 Ser. No.	Source
1.	IP address, server log file: Terminal device of the user, time, URL

As described above (see 2.1) we receive your registration data in the form of an email when you register for the Brainlab Online Campus. When we do not have your contact details, yet, we create a contact based on the information of the registration in our CRM system. The stored contact information then may be used to conduct an email advertising campaign for the direct marketing of own and similar products and / or services. Furthermore, if you have not yet taken part in a training course at the Brainlab Online Campus, we may use your data stored in our CRM system to inform you, as a user of our products, of the corresponding training courses.

If you do not wish to receive advertising, you may object to the use of your email address at any time without incurring any costs other than the basic rate for communication means. For this purpose, there is a corresponding link to unsubscribe in each newsletter.

3.3 Obligation to provide data and automated decision-making

There is no legal or contractual obligation to provide personal data. The provision of personal data is also not required for the conclusion of a contract. Possible consequence of not providing personal data is that we cannot provide newsletters. There is no automated decision-making including profiling according to Art. 22 GDPR.

4. General Contact to Brainlab Online Campus

You can contact us for any kind of request via the following email address:
onlinecampus@brainlab.com.

4.1 Scope of data collection and storage

Ser. No.	Data	Purpose	Legal basis
1	e-mail address, message and any further data you wish to provide and that is necessary to process your enquiry.	Processing and answering the contact *	Art. 6 Sec.1 lit. a GDPR

* Used for this purpose only if you have consented to it. In this case, we also record the consent you have given us.

4.2 Source, unless the data was collected from the data subject

The data for this purpose will only be provided by you.

4.3 Obligation to provide data and automated decision-making

There is no legal or contractual obligation to provide personal data. The consequence of not providing personal data is that contacting Brainlab via onlinecampus@brainlab.com is not possible.

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

5. Transfer of personal data

Your personal data may be transferred to the following recipients:

Recipients or categories of recipients

Transfer to public authorities or by court order

At the request of the competent authorities, we must provide information on personal data (inventory data) on a case-by-case basis for the purpose of law enforcement, security, compliance with the statutory functions of the constitutional protection agencies or for the enforcement of intellectual property rights.

schalk&friends – Agentur für digitale Lösungen GmbH, Lindwurmstraße 124, 80337 Munich

Schalk & Friends administers the Brainlab.com website, i.e. when you register for the first time, the e-mail with your registration data is send as well to schalk&friends to ensure a successful registration.

SumTotal Systems UK Ltd, London Road, Camberley, Surrey, GU15 3EY, UK

SumTotal Systems provides the software for the Brainlab Online Campus. For this purpose, the data on your activities within the platform are processed by SumTotal Systems.

Salesforce.com Germany GmbH, Erika-Mann-Str. 31 - 37, 80636 Munich, Germany

To validate your data when you register with your employer's data we will enter your name, contact details and information to your occupation into our Salesforce-CRM-System and thus the data is processed on our behalf by Salesforce.

In individual cases, we may have to share your information with other Brainlab entities in order to verify entitlement to registering an account with us. These entities may be:

Brainlab Corporate Services GmbH, Olof-Palme-Straße 9, 81829 Munich

Brainlab Sales GmbH, Olof-Palme-Straße 9, 81829 Munich

Brainlab Ltd. (UK), Regus House, 1010 Cambourne Business Park, Cambourne, Cambridge, CB36DP, UK

Brainlab Ltd. (Israel), 35 Efal Street, Petach-Tikva, 4951132, Israel

Brainlab Italia s.r.l., Via Monte di Pietá 21, 20121 Milano, Italy

Succursale de Brainlab Sales GmbH (France), Tour Ariane 5, Place de la Pyramide, 92088 Paris La Défense Cedex, France

Brainlab, Inc., 5 Westbrook Corporate Center, Suite 1000, Westchester, IL 60154 USA

Brainlab Ltda., Avenida Angélica, nº 2.071, conj. 41, CEP 01227-200, Consolação São Paulo, Brazil

Brainlab Beijing, Medical Equipment Trading Co., Ltd, Unit B9-1, Guanghualu SOHO2, No.9 Guanghua Road, Chaoyang District, Beijing 100020, China

Brainlab Ltd. (Hong Kong), Unit 2502-2503, 25/F, Prosperity Centre, 25 Chong Yip Street, Kwun Tong, Kowloon, Hong Kong

Brainlab Médica, S.L., Plaza Ángel Carbajo, 6, Entresuelo Izquierda, 28020 Madrid, Spain

Brainlab India Pvt. Ltd., #411 Time Tower, M G Road, Gurgaon-122002, Haryana, India

Brainlab K.K., Tamachi East Bldg. 2F, 3-2-16 Shibaura, Minato-ku, Tokyo 108-0023, Japan

Brainlab Ltd. (Malaysia), Level 36, Menara Citibank, 165 Jalan Ampang, 50450 Kuala Lumpur, Malaysia

Brainlab Australia Pty. Ltd., Suite 1, Building 1, 14 Aquatic Drive, Frenchs Forest, NSW 2086, Australia

Brainlab Ltd. (Seoul Branch), #201, 2nd Floor, 25 Sejong-daero 4-gil, Jung-gu, Seoul 04527, Republic of Korea

Brainlab Ltd. (Singapore Branch), 73 Upper Paya Lebar Road #04-01, Centro Bianco, Singapore 534818

Bainlab Sales GmbH (Dubai Branch), Dubai Airport Free Zone, Building: 5WB, Office: 151, Dubai, UAE

In some cases, we also use service providers for hardware maintenance, software maintenance and provision of technical services, which may then come into contact with your data.

* Transfer to this recipient will only be made if you have consented thereto.

Your personal information will only be disclosed to affiliates and service partners, provided that they act on our behalf and assist us in providing our services. Processing of your personal data by service providers commissioned by us takes place within the scope of a processing on behalf acc. to Art. 28 GDPR. The aforementioned service providers only have access to personal information required to perform the respective activity. These recipients are prohibited from using personal information for other, in particular for their own advertising purposes. Insofar as external service providers come into contact with personal data, we have ensured through legal, technical and organizational measures as well as through regular inspections that these too comply with the applicable data protection regulations.

There is no transfer of your personal data to third parties for purposes other than those listed. We only share your personal information with third parties if:

- you have given your explicit consent,
- the transfer is required to assert, exercise or defend legal claims and there is no reason to believe that you have an overriding legitimate interest in not disclosing your data,
- in the event that there is a legal obligation to disclose or
- it is permitted by law and is required for the execution of contractual relationships with you.

6. Transfer of personal data to third countries

In this context, we transfer personal data to the third countries listed above. In order to ensure an adequate level of data protection in these third countries either adequacy decisions of the EU Commission¹ or adequate and appropriate guarantees exist in the form of:

- EU-U.S. Privacy Shield Certification²
- Standard data protection clauses of the Commission (EU standard contract clauses)⁶
- Intercompany Agreements for the Brainlab Group

¹Further information on the recognition of safe third countries can be found on the [website of the EU-Commission](#).²Present EU-US Privacy Shield Certifications can be viewed at <https://www.privacyshield.gov/list>. [The Implementing Decision \(EU\) 2016/1250](#) of the EU Commission of 12 July 2016 recognizes the level of protection of the EU-US Privacy Shield as equivalent to the Union's level of protection.³We will provide you with a copy upon request.

7. Duration of Storage

We process and store your personal data as far as necessary for the duration of our business relationship, which includes, for example, the initiation and execution of a contract and the regular limitation period of three years to defend against or assert legal claims.

In addition, we are subject to various storage and documentation obligations arising, inter alia, from the German Commercial Code (HGB) or the Tax Code (AO). The retention periods specified therein are six to ten years. During this time, the processing of the data is limited. The retention obligation begins at the end of the calendar year in which the offer was made or the contract was fulfilled. For example, commercial or tax-relevant accounting documents are kept for ten years and contract and tax-relevant documents for at least six years.

In legal matters supervised by lawyers, the related data are stored for at least six years; for enforcement titles, the retention period can be up to thirty years due to the statute of limitations.

8. 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. 21 (i), under certain conditions, to object to the processing of your personal data based on Art. 6 Sec. 1 lit. e GDPR (in the public interest) or pursuant to Art. 6 Sec. 1 lit. f GDPR (for safeguarding a legitimate interest), or (ii) to object to the processing for direct marketing purposes;
- pursuant to Art. 7 Sec. 3 GDPR to withdraw a consent once given to us at any time. This also applies to the withdrawals of 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.

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

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

Notice to California Residents: The California Civil Code permits California residents to request that we do not share your Personally Identifiable Information with third parties for their direct marketing purposes. If you are a California resident, you may contact legal@brainlab.com to request information regarding whether and how we share personally information with third parties for their direct marketing purposes and/or to request that such information not be shared with third parties for such purposes.

9. Contact details of the controller and the data protection officer

Controller	Legal representatives	Data protection officer
Brainlab AG		Nicolas Kötter
Olof-Palme- Straße 9	Chairman of the supervisory board:	c/o intersoft consulting services AG
81829 Munich	Dietrich von Buttlar	Beim Strohhouse 17
	Board of Directors	20097 Hamburg
	Stefan Vilsmeier (CEO) Rainer Birkenbach Jan Merker	www.intersoft-consulting.de

10. 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 Brainlab Online Campus website or its content shall be governed by, and will be construed in accordance with, the

laws of the States 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.

Use and Transfer of Non-Personally Identifiable Information

“Non-Personally Identifiable Information” refers to data stored anonymously in a protocol file, collected by cookies or similar technology, and any other information that does not personally identify the individual to whom the information relates, such as information that is aggregated by Brainlab or a third party, or information that is not linked to personally identifiable information of an individual.

In addition to the uses discussed above, Brainlab may use and share non-Personally Identifiable Information in a variety of ways so long as Brainlab uses such information in its de-identified form. These uses may include, without limitation, uses for website administration; analysis of website trends and how the site is used; improving navigation of the site; analysis of the performance of the website and diagnosis of problems; improving the services we offer; analysis and developing advertisements and advertising campaigns; analysis of website user demographics, interests and preferences.

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.

No Medical Advice

Brainlab is not a healthcare institution or medical facility and neither Brainlab nor the website provides any medical advice. You are solely responsible for all medical decisions, including any diagnosis, use of medical professionals, treatment or treatment plan, made by you as the result of the use of the website or any communications with Brainlab, regardless of any referral or suggestion made by Brainlab.

11. 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, or click on Brainlab’s digital advertisements on third party websites or applications, 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, or to click on Brainlab's digital advertisements on third party websites or applications.