



AGC Biologics

Customer, Supplier and Business Partner Privacy Policy

ART. 13 “European Regulation on the protection of Personal Data – GDPR” (REG. EU 2016/679)

Last updated: January 24 2022

1. About this Policy

- 1.1 This Privacy Policy ("**Policy**") explains how we (as defined below) collect, share and use any information that, alone or in combination with other information, relates to you ("**Personal Data**") in your capacity as a customer, supplier or business partner (or as our contact person at any of these entities) ("**you**" and "**your**") our company and any of its affiliates (collectively and individually "**AGC Biologics**", "**we**" and "**our**").
- 1.2 This Policy also sets out the rights that you have in relation to the Personal Data that we process about you and how you can exercise them.
- 1.3 AGC Biologics treats compliance with its privacy obligations seriously. This is why we have developed this Policy, which describes the standards that AGC Biologics applies to protect Personal Data.
- 1.4 For the purposes of this Policy, the AGC Biologics entity that deals with you (either pre-contractually or in performance of a contract/order) acts as the controller of your Personal Data. You may reach each entity via the contact information below:

AGC Biologics A/S

- by regular mail at Vandtaarnsvej 83B, DK-2860 Soeborg, Copenhagen, Denmark
- by phone at +45 7020 9470
- by e-mail at CorporateLegal@agcbio.com

AGC Biologics GmbH

- by regular mail at Czernyring 22, 69115 Heidelberg, Germany
- by phone at +49 6221 90260
- by e-mail at CorporateLegal@agcbio.com

AGC Biologics S.p.A.

- by regular mail at Via Meucci, 3 – 20091 Bresso (MI)
- by phone at +39 02 21277.1
- by e-mail at privacy.IT@agcbio.com

AGC Biologics A/S, AGC Biologics GmbH and AGC Biologics S.p.A. have appointed a Data Protection Officer ("DPO") contactable at dpo@agcbio.com for any information concerning the processing of personal data, including the list of data processors

- 1.5 In addition we inform you that our affiliate AGC Biologics Inc., based in USA, may process your personal data as autonomous data controller with regard to the processing performed by us as indicated herein. AGC Biologics Inc. privacy policy is available on our website.
- 1.6 As a data controller, AGC Biologics is responsible for ensuring that the processing of Personal Data complies with applicable data protection law, and specifically with the European Regulation on the protection of personal data ("**GDPR**").



1.7 Please take the time to read this Policy carefully. If you have any questions or comments, please contact us at the addresses indicated above.

2. What Personal Data does AGC Biologics collect and why?

2.1 The types of Personal Data that we may collect about you, and the reasons why we process it, include:

Why We Collect It	Types of Personal Data	Legal Basis
For preparing, executing (including transporting, shipping or freight) and following up on (billing, claims e.g.) transactions we enter with you or your company on a day-to-day basis	Identification data, such as name, address (professional or private), telephone numbers, etc. Job and profession Financial data	Out of contractual necessity
For marketing activities such as surveying our customers general satisfaction with our products and services and communicating on our activities, services and products	Identification data, such as name, address (professional or private), telephone numbers, etc. Job and profession	On the basis of your consent in general. On the basis of our legitimate interest with regard to customers having an active relationship with AGC Biologics: AGC Biologics' business management
For addressing any type of request you may formulate directly to us	Identification data, such as name, address (professional or private), telephone numbers, etc.	Out of contractual necessity
For supplier management or management of our business partners purposes	Identification data, such as name, address (professional or private), telephone numbers, etc. Job and profession Financial data	Out of contractual necessity with regard to the execution of the contracts. Our legitimate interest with regard to AGC Biologics' business management
For the management of claims and disputes	Identification data, such as name, address (professional or private), telephone numbers, etc.	On the basis of our legitimate interest: safeguarding our rights and interests
For customer management, (including the development of new business development purposes)	Identification data, such as name, address (professional or private), telephone numbers, etc.	On the basis of your consent in general. On the basis of our legitimate interest with regard to customers having an active relationship with AGC Biologics: AGC Biologics' business management
For carrying out research and development with various partners	Identification data, such as name, address (professional or private), telephone numbers, etc.	Out of contractual necessity with regard to a contract to which you are party or our legitimate interest when developing new opportunities: AGC Biologics' business management
For carrying out activities imposed by legal regulations with regard to the contract being signed	Identification data, such as name, address (professional or private), telephone numbers, etc.	Out of contractual necessity
For storing documents as required by currently applicable legal regulations	Identification data, such as name, address (professional or private), telephone numbers, etc. Job and profession Financial data	In order to fulfil the legal obligation of the data controller

If we ask you to provide any other Personal Data not described above, then the Personal Data we will ask you to provide, and the reasons why we ask you to provide it, will be made clear to you at the time of request.



- 2.2 From time to time, we may receive Personal Data about you from third party sources, but only where we have checked that these third parties are legally permitted or required to disclose your Personal Data to us.
- 2.3 In general, we will use the Personal Data we collect from you only for the purposes described in this Policy or for purposes that we explain to you. However, we may also use your Personal Data for other purposes that are not incompatible with the purposes we have disclosed to you (such as archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes) if and where this is permitted by applicable data protection laws.

3. Who does AGC Biologics share your Personal Data with?

- 3.1 We may disclose your Personal Data to the following categories of recipients:
 - (a) to **our group companies** for purposes consistent with this Policy. We take precautions to allow access to Personal Data only to those staff members who have a legitimate business need for access, including as a case may be a contractual prohibition of using the Personal Data for any other purpose.
 - (b) to **our third party vendors, services providers and partners** who provide data processing services to us, or who otherwise process Personal Data for purposes that are described in this Policy or notified to you when we collect your Personal Data. This may include disclosures to third party vendors and other service providers we use in connection with the services they provide to us, including to support us in areas such as IT platform management or support services, infrastructure and application services, marketing, data analytics, business travel service providers, third party testing laboratories;
 - (c) to **any competent law enforcement body, regulatory, government agency, court or other third party** where the disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person;
 - (d) to **our auditors, advisors, legal representatives and similar agents** in connection with the advisory services they provide to us for legitimate business purposes and under contractual prohibition of using the Personal Data for any other purpose;
 - (e) to **a potential buyer** (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, provided that we inform the buyer it must use your Personal Data only for the purposes disclosed in this Policy;
 - (f) to any other person with your prior consent to the disclosure.

4. How we protect your privacy

- 4.1 We will process Personal Data in accordance with this Policy, as follows:
 - (a) **Fairness:** We will process Personal Data fairly. This means that we are transparent about how we process Personal Data and that we will process it in accordance with applicable law.
 - (b) **Purpose limitation:** We will process Personal Data for specified and lawful purposes, and will not process it in a manner that is incompatible with those purposes.

- (c) **Proportionality:** We will process Personal Data in a way that is proportionate to the purposes which the processing is intended to achieve.
- (d) **Data accuracy:** We take appropriate measures to ensure that the Personal Data that we hold is accurate, complete and, where necessary, kept up to date. However, it is important that you ensure that your Personal Data is kept as accurate, complete and current as possible by informing AGC Biologics S.p.A. of any changes or errors. You should notify AGC Biologics S.p.A. contact of any changes to the Personal Data that we hold about you (e.g. a change of address).
- (e) **Data security:** We use appropriate technical and organisational measures to protect the Personal Data that we collect and process about you. The measures we use are designed to provide a level of security appropriate to the risk of processing your Personal Data.
- (f) **Data processors:** We may engage third parties to process Personal Data for and on behalf of AGC Biologics. We require such data processors to process Personal Data and act strictly on our instructions and to take steps to ensure that Personal Data remains protected.
- (g) **International data transfers:** Your Personal Data may be transferred to, and processed in, countries other than the country in which you are resident. These countries may have data protection laws that are different to the laws of your country (and, in some cases, may not be as protective).

Specifically, some of our servers are located outside of the European Economic Area or EEA, and our group companies and third party service providers and partners operate around the world. This means that when we collect your Personal Data we may process it in any of these countries.

However, we have taken appropriate safeguards to require that your Personal Data will remain protected in accordance with this Policy. These include implementing an intra-group agreement based on the European Commission's Standard Contractual Clauses for transfers of Personal Data between our group companies, which require all group companies to protect Personal Data they process from the EEA in accordance with GDPR ("Intra-Group Data Transfer Umbrella Agreement").

Our Intra-Group Data Transfer Umbrella Agreement can be provided on request. We have implemented similar appropriate safeguards with our third party service providers and partners and further details can be provided upon request.

- (h) **Data Retention:** We retain Personal Data we collect from you where we have an ongoing legitimate business need to do so (for example, to provide you with a service you have requested or to comply with applicable legal, tax or accounting requirements).

When we have no ongoing legitimate business need to process your Personal Data, we will either delete or anonymise it or, if this is not possible (for example, because your Personal Data has been stored in backup archives), then we will securely store your Personal Data and isolate it from any further processing until deletion is possible.

Nevertheless, the data provided shall be retained in our archives for a period of 10 years after the conclusion of the contract, without prejudice to any late payment of the consideration and/or sums overdue that justify a possible extension, unless a longer retention period is provided for by law (e.g. cGMP). In this instance for more information on the retention period you can contact us using the contact above details.

5. Your data protection rights

5.1 You have the following data protection rights:

- (a) If you wish to **access, correct, update or request deletion** of your Personal Data, you can do so at any time by contacting us at the addresses indicated above.
- (b) In addition, in certain circumstances, you can **object to processing** of your Personal Data, ask us to **restrict processing** of your Personal Data or **request portability** of your Personal Data. Again, you can exercise these rights by contacting us at the addresses indicated above.
- (c) If we have collected and processed your Personal Data with your consent, then you can **withdraw your consent** at any time by contacting us at the addresses indicated above. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your Personal Data conducted in reliance on lawful processing grounds other than consent.
- (d) You have the **right to opt-out of marketing communications** we send you at any time. You can exercise this right by clicking on the “unsubscribe” or “opt-out” link in the marketing e-mail we send you. To opt-out of other forms of marketing (such as postal marketing or telemarketing), then please contact us at the addresses indicated above.
- (e) If you have a complaint or concern about how we are processing your Personal Data then we will endeavour to address such concern(s). If you feel we have not sufficiently addressed your complaint or concern, you have the **right to complain to a data protection authority** about our collection and use of your Personal Data. For more information, please contact your local data protection authority.

5.2 We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws.

6. Mandatory or optional nature of provision of data, consequences of refusal to reply

6.1 Providing the identification data specified above is necessary for us to properly establish, carry out and manage the contractual relationship with you, where the legal bases are “out of contract necessity” or “out of compliance with a legal obligation to which the controller is subject”. Therefore, if you will not provide us such data it shall be impossible to arrange and execute the contract.

7. Updates to this Policy

7.1 We may update this Policy from time to time in response to changing legal, technical or business developments. When we update our Policy, we will take appropriate measures to inform you, consistent with the significance of the changes we make. We will obtain your consent to any material Policy changes if and where this is required by applicable data protection laws.

7.2 You can see when this Privacy Policy was last updated by checking the “last updated” date displayed at the top of this Policy.