

AGC Biologics

Customer, Supplier and Business Partner Privacy Policy for non EU companies

Last updated: 16 May 2018

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**") of AGC Biologics Inc. and its affiliates other than European companies (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 which contracts with you acts as the data controller for their Personal Data. As a data controller, that AGC Biologics entity is responsible for ensuring that the processing of Personal Data complies with applicable data protection law, and specifically with the General Data Protection Regulation.
- 1.5 Please take the time to read this Policy carefully. If you have any questions or comments, please contact us at privacyofficer@agcbio.com.

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 or on the basis of our legitimate interest: AGC Biologics' business management
For addressing any type of request you may formulate directly to us or indirectly via questionnaires on websites	Identification data, such as name, address (professional or private), telephone numbers, etc.	Your consent

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 or our legitimate interest: 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.	Our legitimate interest: AGC Biologics' business management and your consent
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 or our legitimate interest: AGC Biologics' business management

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 We may also collect certain information automatically from your device. Specifically, the information we collect automatically may include information like your IP address, device type, unique device identification numbers, browser-type, broad geographic location (e.g. country or city-level location) and other technical information. We may also collect information about how your device has interacted with our website, including the pages accessed and links clicked.

Collecting this information enables us to better understand the visitors who come to our website, where they come from, and what content on our website is of interest to them. We use this information for our internal analytics purposes and to improve the quality and relevance of our website to our visitors.

Some of this information may be collected using cookies and similar tracking technology, as explained further in our "Cookie Policy" available on our websites at <http://www.agcbio.com/website-privacy-policy#cookie-policy>.

- 2.3 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.
- 2.4 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 in due time. 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 we believe 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 also your responsibility to ensure that your Personal Data is kept as accurate, complete and current as possible by informing AGC Biologics of any changes or errors. You should notify your local AGC Biologics 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 (“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 European Union data protection law (“**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.

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 privacyofficer@agcbio.com.
- (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 privacyofficer@agcbio.com.
- (c) If we have collected and process your Personal Data with your consent, then you can **withdraw your consent** at any time by contacting us at privacyofficer@agcbio.com. 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-mails we send you. To opt-out of other forms of marketing (such as postal marketing or telemarketing), then please contact us at contact@agcbio.com.
- (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. Updates to this Policy

6.1 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.

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