

Privacy Policy

Version 1.4, 11.03.2019

Zubisoft GmbH ("**We**", "**us**", "**our**" etc.) are committed to protecting and respecting your privacy.

This document applies to information we process about our customers (usually surgeons, or sometimes corporate partners) and about patients (who are treated by our customers). Customers and patients are referred to collectively in this document as "**you**", "**your**", "**they**" etc.

This privacy policy ("**Privacy Policy**"), together with our terms and conditions for the use of Zubisoft products ("**Customer Terms**"), and any other documents referred to in this Privacy Policy (such as the Patient Consent Form), sets out the basis on which any personally identifiable information ("**Personal Data**") we collect from you, or that you provide to us, will be processed by us.

Please read the following carefully to understand our views and practices regarding your Personal Data and how we will treat it in respect of your use of zubisoft.com ("**the Service**").

1. Information we may collect from you

We may collect and process the following information about you:

1.1 Customers

Information you give us

If you decide to register with or use the Service, you will be asked to provide certain information about yourself. This includes your name and contact details when you:

- Purchase or register to use the Service;
- Request and receive customer support when using the Service;
- Provide billing and payment information;
- Register for offers or events;
- Post comments on our website; or
- Participate in discussion boards or other social media functions on our website.

We process this information on the basis that it is necessary for us to do so for the performance of the contract between us (the contract being the Customer Terms that you sign up to as part of registering to use IBRA).

Information we collect about you

Each time you use the Service we may automatically collect the following information:

- Technical information that your browser sends whenever you visit a website, or your mobile app sends when you are using it. This log data may include your Internet Protocol (IP) address, the address of the web page you visited before using the Service, your browser type and settings, the date and time of your use of the Service, information about your browser configuration and plug-ins, language preferences and cookie data.
- Information about your visit, including the full Uniform Resource Locators (URL) clickstream to, through and from our website (including date and time); products you

viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page.

- Any phone number used to call our customer service number.
- We may collect publicly accessible data about you from social media websites that you visit when using the Service.
- We may also collect non-personally identifiable information (e.g. gender and location) to assist in providing the Service to you. Non-personally identifiable information by itself cannot be used to identify or contact you. However, this information may be combined with other identifiers in a way that enables you to be identified.

We process this information because it is necessary for our legitimate interests. We may do this except where our interests are overridden by yours. We think it is reasonable to process the information described above in order to make the Service as easy to use as possible. We don't think any of the above activities prejudice you in any way, however you have the right to object to this, in which case you should contact our Data Protection Officer (contact details below).

Information we receive from other sources

We may receive information about you if you use any of the other websites we operate or the other services we provide. In this case we will have informed you when we collected that data that it may be shared internally and combined with data collected via the Service. We are also working closely with third parties (including, for example, business partners, sub-contractors in technical, payment and delivery services, advertising networks, analytics providers, search information providers, credit reference agencies) and may receive information about you from them.

Again, we process this information because it is necessary for our legitimate interests and we may do this except where our interests are overridden by yours. We think it is reasonable to process the information described above in order to make the Service as easy to use as possible. We don't think any of the above activities prejudice you in any way, however you have the right to object to this, in which case you should contact our Data Protection Officer (contact details below).

1.2 Patients

If you enrol with a customer (surgeon) they will be asked to provide certain information about you. If you complete a questionnaire that we provide, you will be asked to provide certain information about yourself. This may include your name and contact details, and, when you enrol with a customer, also your date of birth, patient ID, social security number and health data related to your eye condition(s).

We rely on patients' consent for the activities described above. We obtain this consent via the Patient Consent Form which is provided to patients by customers on our behalf. You may withdraw your consent at any time but please be aware that if we cannot hold your personal data then we may not be able to make the Service available for the purpose of your treatment.

2. Use of cookies

We may use cookies on our website to distinguish you from other users of our website and Service. Cookies often contain username and user preferences. This helps us to provide you with a good experience when you browse our website and also allows us to improve the website and Service. By default, the cookie is destroyed when the browser window is closed, but it can be made to persist for an arbitrary length of time after that. You can disable cookies in your browser, but this might restrict your Services.

3. If you are under 16 years of age

If you are a patient under the age of 16, we are required to obtain consent to process your personal data from the person with parental responsibility for you, which we will do in accordance with Article 8 of the GDPR.

4. Uses made of Information

We will only use information we hold about you for the following purposes:

Information you give to us

We will use this information:

- To facilitate diagnosis and treatment of patient eye condition(s).
- To understand and improve our Services.
- To ensure that content from our Service is presented in the most effective manner for you and for your computer.
- To communicate with you by responding to your requests and sending you emails and (if you are a customer) messages about invoicing and account management.
- If you are a customer, to administer your account and keep track of billing and payments.
- To keep the Service secure by investigating and preventing abuse and fraud.
- To carry out our obligations arising from any contracts entered into between you and us and to provide you with the information, products and services that you request from us.
- If you have consented to it, to provide you with information about other goods and services we offer that are like those that you have already purchased or enquired about.
- To notify you about changes to our Service.

Information we collect about you

We will use this information:

- To administer our Service and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes.
- To improve our Service to ensure that content is presented in the most effective manner for you and for your computer.
- If you are a customer, to allow you to participate in interactive features of our Service, when you choose to do so.
- If you have consented to it, to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you.
- To make suggestions and recommendations to you and other users of our Service about services that may interest you or them.

Information we receive from other sources

We may combine this information with information you give to us and information we collect about you. We may use this information and the combined information for the purposes set out above (depending on the types of information we receive).

5. Disclosure of your information

We may share your Personal Data with any member of our group, which means our subsidiaries, our ultimate holding company, and its subsidiaries.

Information we share with third parties

We may share your information with selected third parties including:

- Business partners, suppliers and sub-contractors for the performance of any contract we enter into with them or you and for the purposes of providing part of the Service to you. Such third parties supply the hardware infrastructure, storage and associated services necessary for us to provide the Service. All information submitted to third parties will be encrypted using SSL technology.
- Analytics and search engine providers that assist us in the improvement and optimization of our Service.

Personal Data we disclose to third parties

We may disclose your Personal Data to third parties:

- In the event that we sell or buy any business or assets, in which case we may disclose your Personal Data to the prospective seller or buyer of such business or assets.
- If Zubisoft GmbH or substantially all of its assets are acquired by a third party, in which case Personal Data held by it about its customers will be one of the transferred assets.
- If we are under a duty to disclose or share your Personal Data in order to comply with any legal obligation, or in order to enforce or apply our Customer Terms and/or any other agreements; or to protect the rights, property, or safety of Zubisoft GmbH, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

In complying with court orders and similar legal processes, we strive for transparency. When permitted, we will make a reasonable effort to notify users of any disclosure of their information, unless we are prohibited by law or court order from doing so, or in rare, exigent circumstances.

6. Your data rights

Consent

If you subscribe to our marketing communications, we will use your name and email address to send communications to you. You may elect to stop receiving our marketing emails by following the unsubscribe instructions included in such emails.

We send push notifications from time to time in order to update you about any Service updates, events and promotions we may be running. If you no longer wish to receive these communications, please disable these in the settings on your device. If you change your mind about being contacted in the future, please click on the opt out options included in emails or the Service and we will remove you from our mailing lists.

Access to information

You have the right to access information we hold about you. If you exercise this right, we may ask you to verify your identity, or ask for more information about your request (and where we are legally permitted to do so we may decline your request (but we will explain why if so)).

Right to deletion, rectification, and data export

We permit you to delete, rectify and export information you have provided to us at any time, subject to the conditions of our Customer Terms (if you are a surgeon) and our legal obligations for retention set out below. If you are a patient, you have the right to request that we erase your data in certain circumstances.

Retention

We retain Personal Data for as long as we provide the Services to you, or for five years from registration of your account or when you originally provided it to us (unless in each case you delete it, or ask us to delete it, sooner).

This is to enable us to comply with our legal obligations (including potential law enforcement requests), meet regulatory requirements, maintain security, prevent fraud and abuse, resolve disputes, enforce our Customer Terms, offer new features you may be interested in, or fulfil your request to “unsubscribe” from further messages from us.

Complaints.

If you have any complaints about our use of your information, please contact us as set out at the end of this Privacy Policy or contact the Swiss supervisory authority – The Federal Data Protection and Information Commissioner (FDPIC).

7. Applicable Data Protection Law

The Federal Act on Data Protection applies. We also comply with the General Data Protection Regulation (GDPR, EU 2016/679). For GDPR, the data controller is Zubisoft GmbH, a private limited company registered in Switzerland with number CHE-106.842.908 whose registered office is at Birchstrasse 151, 8156 Oberhasli. Our data protection officer's contact details are: info@zubisoft.com.

Where we store your Personal Data (for EU Customers and Patients only)

The Personal Data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area ("EEA"). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. Such staff may be engaged in, among other things, the provision of support services. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

We always ensure that your information is only transferred in full accordance with Swiss data protection laws and/or applicable EU data protection law. In particular, this means that your information will only be transferred to a country that provides an adequate level of protection (for example, because the European Commission has determined that a country provides an adequate level of protection) or the recipient is bound by standard contractual clause according to conditions provided by the European Commission. You are responsible for checking the privacy policy of any third-party websites we link to.

Our Service is accessible via the Internet and may potentially be accessed by any user around the world. Other users may access the Service from outside the EEA. This means that where you chose to upload your data to the Service, it could be accessed from anywhere around the world

and therefore a transfer of your data outside of the EEA may be deemed to have occurred. You consent to such transfer of your data for and by way of this purpose.

Where we have given you (or where you have chosen) a password which enables you to access certain parts of the Service, you are responsible for keeping this password confidential. We ask you not to share any password with anyone.

Unfortunately, the transmission of information via the Internet is not completely secure. Although we will do our best to protect your Personal Data, we cannot guarantee the security of your data transmitted to our Service; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

The Service may contain links to and from third party websites of our partners, networks, advertisers and affiliate. If you follow a link to any of these websites, please note that these websites have their own privacy policies and we do not accept any responsibility or liability for the privacy practices or content of these websites.

8. Changes to this Privacy Policy

We reserve the right to change this Privacy Policy at any time and any amended Privacy Policy will be posted on our websites and notified to you by email, where appropriate. Please check back frequently to see any updates or changes to our Privacy Policy.

This Privacy Policy was last updated on 18 February 2019 and replaces any other Privacy Policy previously applicable from this date.

9. Contact Us

Questions, comments, and requests regarding this Privacy Policy are welcomed and should be forwarded by email to: info@zubisoft.com