



# Privacy Statement

[ophtec.com](https://www.ophtec.com)

## Contents

<b>I. Introduction</b>	<b>3</b>
We respect your privacy	3
What is personal data and how it is processed?	3
Our advice: read this statement	3
More information about privacy legislation	3
<b>II. Who is responsible for processing your data?</b>	<b>4</b>
<b>III. For what purpose does Ophtec collect and process your personal data?</b>	<b>4</b>
Compliance with the law	4
Assessment before conclusion of a contract	4
Performance of the contract between you and Ophtec	4
<b>IV. Sensitive Information</b>	<b>6</b>
<b>V. Your rights when your personal data is processed</b>	<b>6</b>
Exercising your rights	7
Opposition to direct marketing	7
<b>VI. Consent</b>	<b>7</b>
Presumption of consent if you become a customer or if you provide data	7
Information society - e-commerce (mobile phone, email, etc.) and cookies	8
Digitisation of documents	8
Social media – publication	8
No further opposition	8
Relationships and groups	9
Distributors, agents and representatives	9
<b>VII. Security and confidentiality</b>	<b>9</b>
<b>VIII. Processors commissioned by Ophtec</b>	<b>10</b>
General	10
Processors at Ophtec	10
Other processors	11
<b>IX. More information on the processing of specific personal data</b>	<b>11</b>
Public data	11
<b>X. Exchange of data within Ophtec</b>	<b>13</b>
<b>XI. Questions of third parties</b>	<b>13</b>
When can questions from third parties be answered?	13
Who can/should you contact if you are a third party?	14
Retention obligation	14

# General Privacy Statement

## I. Introduction

### We respect your privacy

The **Ophtec group**, consisting of Ophtec Holding BV, Ophtec Beheer BV, Ophtec International BV and Ophtec BV is a cluster of companies that is primarily engaged in the development, production and sale of intra-ocular lenses in the Netherlands, located at Schweitzerlaan 15, 9728NR Groningen.

Ophtec attaches great importance to the protection of privacy and strives to process personal data (including your data) in a legal, fair and transparent manner.

The purpose of this statement is to inform you about how Ophtec processes personal data about you as a current or prospective customer or distributor.

### What is personal data and how it is processed?

**Personal data** is any information about an identified or identifiable natural person (referred to in privacy legislation as the data subject). This can be a person's name, a photo, a telephone number (even at work), a code, a password, a bank account number, a link to a vehicle, a company or other persons, an email address, etc.

**Processing of data** is any action or series of actions performed on personal data. These actions are highly varied and concern (among others) the collection, storage, use, alteration and communication of data.

### Our advice: read this statement

We encourage you to *read* this Statement *carefully* as it relates to your rights and legal obligations. As a result of your customer relationship with Ophtec, it is presumed that you (if applicable, indirectly) have given your consent, to the extent necessary, for all processing operations in this privacy statement (including processing operations with a view to direct marketing).

If you do not agree with how we collect and process your data, we recommend that you take the necessary steps, for example by making this known through the channels provided (see exercising your rights below).

If you, as a customer, provide personal data (e.g. from ophthalmologists, contact persons), you are obliged to inform the data subjects and obtain their consent to the extent necessary.

### More information about privacy legislation

More information about the privacy legislation in the Netherlands is given at the website of the Dutch Data Protection Authority: <https://autoriteitpersoonsgegevens.nl/>.

## II. Who is responsible for processing your data?

On 25 May 2018, the Dutch Data Protection Act (*Wet bescherming persoonsgegevens, Wbp*) will be superseded by the General Data Protection Regulation (GDPR).

Ophtec is *responsible for the processing* of the personal data of, among others, its current and prospective customers.

As the controller, Ophtec is responsible for complying with the legal requirements relating to the processing of your data for purposes that Ophtec itself determines (see 'For what purpose does Ophtec collect and process your data?').

## III. For what purpose does Ophtec collect and process your personal data?

Ophtec collects and processes your data for various purposes and on the basis of different justifications. Only the relevant data is processed for each purpose.

### Compliance with the law

On the basis of various legal provisions, Ophtec is to process a number of data types about you, the most comprehensive of which are the obligations arising from:

- the MEDDEV 2.7 / 1 Rev 4 from 2016;
- The GDPR from 2018;
- Tax legislation.

### Assessment before conclusion of a contract

Prior to the conclusion of contracts, Ophtec may be required to process certain data in order to process a request, to make a thorough estimate of the desirability of concluding the contract and/or of the conditions under which a contract is concluded and to draw up a possible offer. This includes your professional contact details, your balance sheet, the identity and quality of the guarantees and the credit rating.

### Performance of the contract between you and Ophtec

#### General

To properly account for the various tasks in administrative and bookkeeping terms.

#### You are a customer who buys a product

In the context of the performance of the contract, Ophtec processes customer data for the management of the services that you as a customer use, in particular for the following purposes:

- Assessment of your business; for this purpose we use your balance sheet, identity and quality of guarantees, credit rating or credit information.

## Legitimate interests

In addition to the purposes listed above, Ophtec has a number of legitimate interests as a company, which serve as a basis for a number of processing operations for personal data. Ophtec ensures that the impact on your privacy is minimised and that in all cases the balance with a possible impact on your privacy is not disturbed.

For example, personal data is processed for:

- conducting studies, (risk, marketing and other) models and statistics, breaking the link with individuals as quickly as possible;
- evidence (archiving);
- the establishment, exercising, defence and safeguarding of the rights of Ophtec or the persons it may represent, for example in the event of a dispute;
- synergy, efficiency or other benefits that can result from (individual or joint) processing by a processor;
- the safety, security and surveillance of persons and goods;
- management, risk management and control of the organisation and the Ophtec group, including by means of reporting, management and management control functions (at group level) and the legal department (including dispute management and legal risks);
- Compliance (such as investigations and the prevention of fraud and money laundering, consumer protection and privacy);
- risk management (e.g. credit risk, insurance risk on customers and groups of customers worldwide, monitoring of intra-Community supplies);
- internal and external audits;
- centralised, coordinated or efficient management of clients and of groups of clients worldwide (at group level) or their support, including the creation of segments and profiles for managing client or for detecting client needs;
- Assessment of the position of Ophtec as your current or prospective business partner;
- the evaluation, simplification and improvement of processes, such as the optimisation of products, services, websites, campaigns and sales, for example by monitoring statistics, satisfaction surveys, data from tracking technologies and (such as preferred settings for and click behaviour on the website), etc.

### Specific legitimate interest: (direct) marketing

As a current or prospective customer, Ophtec offers you a range of products and services. Ophtec does this via various channels: for example, distributors, account managers, on the internet (websites and email), by post, by telephone, at conferences-seminars, wet labs and the like.

In so doing, Ophtec will continue to keep pace with technological developments in the future

- to adapt the layout (look-and-feel) and perhaps the structure of the website to your wishes, which you have explicitly expressed or which are derived from your internet behaviour;

- to complete forms with suggestions or known data (e.g. lens calculations) so that you no longer have to do so (the 'prefills'), with the request to check these data for accuracy and currency;
- to allow you to easily store information, forward it to potentially interested persons (e.g. Send to a Friend button) or publish it on your page on a social networking site (e.g. Share this message by Facebook button);
- to share information, presentations, surveys and news releases via email, based on registration and cookie acceptance.

Ophtec imposes a number of restrictions on itself, such as:

- Ophtec does not sell or rent out your personal data to third parties;
- spyware is not be used and/or tolerated;
- respawning cookies (these are cookies that are secretly replaced when you delete them) are not used;
- cookies with a lifespan of more than 2 years are not used.

We may combine the information you provide with other information we have collected from you, both online and offline.

If you provide us with another person's personal information, you represent that you are authorised to do so and that we may use the information in accordance with our Privacy Policy.

## IV. Sensitive Information

We ask you not to send us sensitive personal data, unless this is necessary for a specific purpose. Sensitive information includes: Citizens Service Numbers (BSN), information relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life or sexual orientation, criminal background, trade union membership, biometric or genetic data with the purpose or possibility of uniquely identifying an individual.

## V. Your rights when your personal data is processed

Under the privacy legislation you, as a natural person, have a number of rights.

### Your rights

If your data is processed, you have the following general rights:

- You have a right of access to the data that is processed about you.
- If necessary, you can request in writing the correction of incorrect data or the blocking or deletion of data that has been unlawfully processed.
- You can oppose the processing of your data for direct marketing purposes (see below).

## Exercising your rights

The intervention of third parties in the execution of assignments entrusted to Ophtec does not prevent you from always considering the Ophtec company with which you have a relationship as your point of contact for exercising of your rights.

In the first instance, you can contact the Sales Office on the following telephone number +3150 5275400. In certain cases, you will be asked to fill in a form. For photo and camera images, please contact the Marketing department. Contact details: [marketing@ophtec.com](mailto:marketing@ophtec.com).

If you have any complaints, please send an email to [privacy@ophtec.com](mailto:privacy@ophtec.com).

In some cases, you may also be able to exercise your rights directly with a third party. Please refer to the privacy regulations on our website.

If you exercise your rights, we ask you to be as specific as possible so that we can deal with your question concretely and correctly. Please also note that we must reasonably be able to verify your identity in order to exercise your rights, so that we can avoid someone else exercising them.

For further information or if you do not agree with the position of Ophtec, you can contact the Data Protection Authority: <https://autoriteitpersoonsgegevens.nl>.

## Opposition to direct marketing

You can exercise your right to object to direct marketing (customised approach)

- by sending an email to [marketing@ophtec.com](mailto:marketing@ophtec.com)
- If you are called by or on behalf of Ophtec and you oppose this or direct marketing in general, the person who calls you will register this at your request.

If you have exercised your right to object, you can, if you wish, subsequently give your consent to direct marketing again. More information about what that means is given under the heading Specific legitimate interest: (direct or indirect) marketing (above). Note that even in case of opposition, Ophtec can contact you for other purposes, such as a legal obligation or the performance of the contract.

## VI. Consent

### Presumption of consent if you become a customer or if you provide data

If you become or remain a customer and if you provide Ophtec with data, it is assumed that you agree to the processing described in this privacy statement. This also implies that you wish Ophtec to contact you via the various channels (visit, post, online, etc.) in order to provide you with information, advertising or proposals tailored to your needs, or that you have no objection to this.

You can cancel this presumption by opposing those processes that are subject to opposition, such as processing for direct marketing. For possible formalities, see under the heading Your rights if your personal data are processed.

You cannot oppose processing operations that are not subject to opposition, which is the case, for example, with legally binding processing operations.

### Information society - e-commerce (mobile phone, email, etc.) and cookies

If you provide your mobile number or email address, that information may be used for direct marketing purposes. As a rule, your explicit consent will be requested, but if this is not the case - due to an error or technical malfunction - we will ask you:

- to report this by sending an email to [marketing@ophtec.com](mailto:marketing@ophtec.com) or by calling the Marketing Department (+3150 5251944); and
- if you so wish, via the other channels, to express your opposition to processing for direct marketing (see above).

If you accept the cookie - through your browser settings - Ophtec assumes that, if you continue, you consent to the resulting data processing, even if it is to be personalised (for more information, see below). If you only wish to be tracked anonymously, you can delete your cookie or have it deleted at the end of each session via your browser settings.

If Ophtec sends you an email, Ophtec can see:

- a) whether you open the email, and
- b) whether you click on a hyperlink in the email.

Performing the above operations implies your consent to this.

### Digitisation of documents

To improve Ophtec's operational performance, it can choose to digitise documents (e.g. by scanning them) or have you sign electronic documents. If you issue documents to Ophtec you agree to this digitisation.

### Social media – publication

In some cases Ophtec facilitates message sharing via social media such as Twitter, LinkedIn and Facebook. These social media have their own terms of use, which you must observe and comply with when you use them. *Please note that these statements may change from time to time.* Publication on social media can have undesirable consequences, also for your privacy or that of persons about whom you share data, such as the inability to remove the publication in the short term. Ophtec does not accept any responsibility for this.

### No further opposition

If you have objected to any processing (above) and Ophtec has been able to meet your objection, you will only be contacted again with information, advertising or proposals once you have given your consent to such processing.



## Relationships and groups

You accept that Ophtec processes the relationship with and, as the case may be, the data of affiliated persons (e.g. principals, employer, etc.).

If the customer is a legal entity, it accepts via its representative that Ophtec processes the relationship with and the data of affiliated (legal and natural) persons (e.g. parent company, subsidiaries, representatives, beneficial owners, etc.).

## Distributors, agents and representatives

Distributors, agents and/or representatives (whether natural or legal persons), who communicate to Ophtec data of natural persons associated with them may do so only to the extent that the natural persons concerned are sufficiently aware of it and agree to this.

The distributor, agent and/or representative indemnifies Ophtec against all claims of the parties involved in this respect. For example, Ophtec does not guarantee compliance with the Privacy Act by the company that provides a list of users for a web-based application or a list of ophthalmologists who are working or practising.

A distributor, agent and/or representative has access to the data provided in the context of his task. This also means that a representative has access to that data if the task has ended in the meantime.

## VII. Security and confidentiality

Only authorised persons have access to personal data relevant to the performance of their tasks. These persons may only use the data if and insofar as this is necessary for the fulfilment of their tasks. They are bound by strict professional secrecy and by all technical regulations aimed at safeguarding the confidentiality of personal data and the security of the systems they contain.

Ophtec takes internal technical and organisational measures to prevent (personal and other) data from being accessed and processed by unauthorised parties or inadvertently modified or destroyed. The rooms, the servers, the network, the transfers and the data are protected according to internal rules. This in turn is monitored under the supervision of a specialised service.

*But there is also something that you can do:*

Ophtec has little or no influence over certain aspects of the data processing, including technical aspects. This is the case, for example, with the Internet or mobile communications (e.g. smartphones), where full security cannot be provided. If cyber criminals, such as hackers, are at work, Ophtec cannot always (permanently) succeed in effectively counteracting them. In some cases Ophtec has no control at all, such as when someone manages to obtain your identification data by installing something on your computer (spyware, for example) or by creating a fake website (phishing).

That is why you are requested to also take into account the fact that certain channels are less secure than others when submitting data to Ophtec or when asking Ophtec to provide you with certain data.

You can also actively take measures to prevent or at least complicate possible abuse, such as:

- installing and updating antivirus software;
- do not leave your device unattended;
- unsubscribe if you are no longer (temporarily or otherwise) using an application;
- keep your passwords strictly confidential and make them strong: do not use obvious terms or figures that are easy to find, but combine sufficient numbers and letters,
- be alert to any unusual elements, such as an unusual website address (e.g. [www2.ophtec.nl](http://www2.ophtec.nl)), unusual requests (e.g., a question about customer data by email) etc.

Please also note that some means of communication (such as email) are hosted by an external provider. If Ophtec and you exchange messages via these means of communication, these messages may be intercepted.

## VIII. Processors commissioned by Ophtec

### General

Ophtec uses specialised third parties (processors) to carry out a number of processing operations, both at home and abroad. They carry out processing operations on behalf of Ophtec.

These transfers involve the transfer of data to other countries where data centres are located and whose legislation, where applicable, does not provide for data protection equivalent to that of the European Union, such as the United States of America. However, in an international context, which is increasingly inherent to information technology, data may in certain cases leave Europe.

Ophtec will ensure that the third parties concerned:

- only have at their disposal the information necessary for the performance of their tasks;
- undertake to Ophtec to process this data safely and confidentially on the one hand and to use it only for the execution of their orders on the other.

Ophtec cannot be held liable if those third parties, in accordance with obligations imposed abroad, provide personal data of customers to local authorities or if, despite reasonable measures, incidents occur in relation to that third party.

### Processors at Ophtec

For the processing of personal data, Ophtec makes structural use of a processor within the European Union. This includes control and support functions (at group level) such as

Ophtec's financial reporting, compliance function, internal audit function, marketing support and IT management.

## Other processors

Furthermore, Ophtec may directly or indirectly engage other processors, such as:

- lawyers and other consultants;
- IT (security) service providers;
- Marketing and communication agencies;
- systems for customer relationship management.

## IX. More information on the processing of specific personal data

### Public data

Ophtec can process your data

- that you have **placed in the public domain** yourself, such as information on your website or blog,
- that **is public**, e.g. because it is generally known in the region.

This type of data may be relevant and used to check the completeness and currency of data in Ophtec's files and to support direct marketing actions.

### Website - General - Cookies

Cookies are used on the Ophtec website. These are small text files that are created by a program on the server of the Ophtec website, but saved on the hard disk of your PC.

These cookies are at least in part technically **necessary** for smooth communication between your PC and the Ophtec website (for example, gearing the operating and browser system used on your PC or enabling a secure connection). However, cookies can also be **useful** for and used to store a number of preferred settings, some of your login data, your surfing history and the like on your PC and to forward (all or some of) that data to the website to which the cookie is linked. This website can then use the incoming data to evaluate and improve of the processes on the website. For example, statistics about the visit to a particular page can be compiled, such as the number of visits, the number of unique visitors, the average duration of a visit. Ophtec also uses cookies for other useful purposes.

Using the settings of your internet browser you can prevent cookies from being **accepted** automatically **on your PC**. This may affect the communication with the website, for example by not opening certain pages, not playing certain videos, not being able to keep certain data in order to fill it in automatically during a subsequent visit, etc. You can also - manually or via the settings of your internet browser - automatically **delete** the cookies on your PC after each visit to the website. Here you will find information about how this should be technically possible. You can normally also use the help function of your web browser. Cookies *do not, as a rule, identify* you. However, it is possible to find out which computer you are using online (among other things via the IP address). That means that if a computer is used by more than

one person or if the same person logs in to different computers, it is not possible to determine which person is involved, even for your internet provider.

More information about Ophtec's *liability* for data on the Ophtec website, about the intellectual property rights in connection with the information on the Ophtec website and other legal information can be found in the Disclaimer of the website. A link to the legal statement is usually found at the bottom of each page of the Ophtec website.

### **Forms - competitions, wet-labs...**

If you fill in a form, Ophtec will of course process the data for the administrative management of the process in which the form was embedded. This may be a competition, a wet lab or any other application made available by Ophtec. In this way, your data can be stored in the middle of an activity that you interrupt or want to use again later, so that you do not have to fill it in again later on.

In order to evaluate the process, you may also be asked why you aborted the process if you were sufficiently identified at the time the process was aborted.

As a rule, Ophtec explicitly requests your permission to use the information in the form in order to contact you at a later date, whether or not with information, advertising or customer-specific proposals. If you are a customer and identified as such before or during the process, Ophtec assumes that you wish or at least have no objection to that information being stored or accessed on the basis of the information in the form or the fact that you have downloaded or completed the form. In that case, Ophtec will give you the opportunity to indicate for that specific form that you do not give your consent.

### **Contact**

If an Ophtec employee - generally your account manager - contacts you, this is usually registered in order to build up a contact summary, to have a (brief) report on the contact or as a reminder for future tasks.

### **Correspondence**

Correspondence with Ophtec employees at their workplace (office address, office fax, operational or personal Ophtec email address, etc.) is considered to be professional and can therefore be viewed by or on behalf of Ophtec (employees, IT specialists, analysts, etc. within the framework of their assignment, e.g. efficient division of work and/or centralisation of approach, within the framework of the continuity of services, evidence, control at the workplace, security or anti-fraud).

### **Camera images**

Ophtec uses cameras in and around the buildings where it is located. When it comes to security cameras, Ophtec respects the rules of the legislation in force.

## X. Exchange of data within Ophtec

### Forwarding and receiving data

Unless there is a legal impediment, such as the local professional duty of discretion or privacy law, Ophtec may

- forward personal data to another entity of the Ophtec group, in the Netherlands or elsewhere, or
- process personal data if it has been legitimately collected from another entity of the Ophtec group, in the Netherlands or abroad.

Ophtec cannot be held liable if the above mentioned institutions of Ophtec, in accordance with legal obligations applicable abroad, are obliged to provide personal data to local authorities.

### Restriction

At Ophtec, personal data is only processed and consulted by the entities:

- with which the customer has, has had or wishes to have a contractual relationship or contacts;
- of which the intervention is required for the delivery or aftercare of services provided to the customer; or
- to introduce (at group level) legal or prudential requirements, which are requirements imposed by
- supervisory authorities or arising from expectations of sound management, or
- prevent fraud (by employees and/or customers), including money laundering.

### Equivalent protection

The Ophtec group ensures that, within the companies and branches belonging to the European Ophtec group, the European data protection standards are applied to customer data.

## XI. Questions of third parties

### When can questions from third parties be answered?

In view of Ophtec's duty of discretion and the privacy legislation, requests from third parties must usually be based on either a legal provision or the consent of the person concerned. In the latter case, we recommend obtaining the data from the data subject.

Ophtec cannot be held liable if the lawful recipients of personal data, in accordance with (foreign) legal obligations, are required to submit personal data of customers to local authorities, or treat it unsafely.

### Who can/should you contact if you are a third party?

If you have any questions about customers such as third parties (e.g. police, civil-law notaries, lawyers, etc.), please send your request to [privacy@ophtec.com](mailto:privacy@ophtec.com). This committee will assess your question and answer it with due observance of, among other things, the duty of discretion and the privacy legislation.

### Retention obligation

The data may not be kept for longer than is necessary for processing. In some cases external guidelines apply, such as the Medical Device Directory. In some cases we determine internally what is necessary for the business operations. How long data is retained is recorded in more detail in the various process descriptions.