

## PERSONAL DATA PROTECTION POLICY - BIOSENCY

**This data protection policy is aimed at Users of the Platform, namely**

- **Patients ;**
- **Employees of BIOSENCY's Clients, i.e. health institutions, home healthcare providers, etc.;**
- **and the ambulatory health professionals who consult the Patient data in the context of their remote monitoring by BIOSENCY's Clients,**

In order to inform them in detail of the processing of their personal data implemented by BIOSENCY.

When using BORA CARE Solution, User's personal data will be collected and processed by BIOSENCY.

BIOSENCY undertakes to ensure that the processing it implements complies with the legislation related to personal data protection, including the provisions of the European Regulation (EU) 2016/679 of 27<sup>th</sup> of April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (GDPR), as well as the French law n°78-17 related to data processing, files and freedoms, as amended ("loi Informatique et Libertés").

**This data protection policy does not cover the processing of personal data implemented by BIOSENCY's Clients (health establishments, home health care providers, EHPAD etc.) and Health Professionals, for which they are responsible. Users are invited to contact BIOSENCY's Clients (health establishments, home health care providers, EHPAD etc.) and Health Professionals to obtain information on such processing.**

### **Definitions:**

For the purpose of this Privacy Policy, the definitions of "personal data" and "controller" are as defined in Article 4 of the GDPR.

### **Administrator :**

Any Collaborator authorized by the Client to create and manage Patient Accounts and Collaborator Accounts on behalf of the Client.

### **Wristband " BORA BAND " :**

Medical device for remote monitoring and prevention in ambulatory dedicated to chronic respiratory insufficiency edited by the company BIOSENCY.

### **Client :**

Any legal person or professional authorized by the French Public Health Code to ensure the remote monitoring of Patients in accordance with the purpose of BORA CARE Solution, such as, in particular, home healthcare providers (PSAD), health establishments (hospitals, clinics, dispensaries), nursing homes, independent health professionals, or any other health or medico-social structure, having a Subscription with BIOSENCY with a view to making the BORA CARE Solution available to Patients.

### **Collaborator :**

Any natural person(s) in charge of the remote monitoring of Patients on behalf of the Client.

### **Administrator Account :**

Any account assigned to an Administrator for the purpose of managing Patient Accounts and Collaborator Accounts.

### **Healthcare Professional Account :**

Any account allocated to a Healthcare Professional, in order to allow him/her to use the BORA CARE Solution, i.e. consultation of the data generated in the context of the remote monitoring provided by the Client.

**Patient Account:**

Any account assigned to a Patient, in order to allow him to use the BORA CARE Solution.

**Collaborator Account :**

Any account assigned to a Collaborator, in order to allow him/her to use the BORA CARE Solution.

**Patient :**

Any patient of the Client to whom the latter makes the BORA CARE Solution available for a given period.

**Platform / "BORA CONNECT" Platform:**

Medical device corresponding to a web platform in SaaS mode accessible at the address <https://bora-connect.com>, from a computer or from a mobile application by Users with an Account.

**Healthcare Professional :**

Any healthcare professional who participates in the care of a Patient and who is entitled to consult via a Healthcare Professional Account the data generated in the context of the remote monitoring provided by the Client.

**Solution / "BORA CARE" solution:**

The remote monitoring and prevention solution dedicated to chronic respiratory insufficiency and edited by BIOGENCY under the name "BORA", described in the user manual, including: a Hardware Kit made up of the Hardware and Accessories made available as well as access and rights of use relating to the BORA CONNECT Platform.

**User :**

Any Patient, Collaborator and Healthcare Professional.

## PART FOR PATIENTS

### **WHAT PERSONAL DATA DOES BIOSENCY COLLECT, FOR WHAT PURPOSE AND ON WHAT LEGAL BASIS?**

#### **1) Administration, operation and maintenance of the BORA CONNECT Platform and data hosting**

BIOSENCY is in charge of the administration, operation and maintenance of the BORA CONNECT Platform in order to allow your remote monitoring by the Client (health care institution, home health care provider, nursing home, etc.) and the Health Care Professionals, which require the processing of your personal data..

In this context, BIOSENCY is responsible for the processing of your personal data for the sole purpose of the administration, operation, maintenance and hosting of the Platform. This processing is carried out on the basis of BIOSENCY's legitimate interest in setting up a Platform enabling the provision of a remote monitoring service by the Client and the Healthcare Professionals.

In order to allow the processing of your health data for this purpose of administration, operation, maintenance and hosting of the Platform, you are invited to agree on the processing of your personal data by BIOSENCY when you first connect to the Platform.

In the absence of agreement, the processing of your health data by BIOSENCY cannot take place. The administration, operation, maintenance and hosting of the Platform being necessary for its functioning, without your agreement to this effect, you will not be able to benefit from the BORA CARE Solution. You may withdraw your consent at any time, without this affecting the lawfulness of the processing based on the consent given prior to its withdrawal.

Your personal data collected by BIOSENCY for this purpose are the following: gender, surname, first name, date and place of birth, e-mail address, mobile phone number, postal address, date and place of birth, the Client and the Health Professional to whom you are attached, your health data, such as your oxygen blood saturation, your respiratory rate, your heart rate, your skin temperature, your activity and your number of steps and some data related to your quality of life. BIOSENCY also collects your connection logins to the Platform.

BIOSENCY will only access and process your personal data, listed above, if the purpose set out above make such access and processing necessary. Furthermore, BIOSENCY may process your personal health data when it pursues the purpose of materiovigilance, monitoring and traceability which it's responsible for in application of its legal and regulatory obligations under the regulations applicable to medical devices.

Given the sensitive nature of your personal data concerning that may be collected and processed when using the BORA CARE Solution, you are informed that your personal data will be hosted by a COREYE-certified host in accordance with the provisions of article L.1111-8 of the Public Health Code.

As such you have the right to object to hosting of your personal data by a third party host, which can be exercised by sending an e-mail to the following address [dpo@biosency.com](mailto:dpo@biosency.com) or a letter to the following address BIOSENCY, 8 B RUE DU PRESOIR GODIER - 35760 SAINT-GREGOIRE FRANCE.

The aims of this hosting are as follows

- to guarantee the storage, archiving and security of personal health data
- to ensure compliance with the requirements of confidentiality, security and durability of this data.

Concerning the processing of your personal data for the purpose of remote monitoring which is carried out by the Client (health establishment, home health service provider, EHPAD nursing homes etc.) and the Healthcare Professionals - for which BIOSENCY is not responsible for processing - you are invited to contact the Client and the Healthcare Professionals concerned.

## **2) Satisfaction surveys**

BIOSENCY, which has developed and operates the BORA CARE remote monitoring solution, wishes to have feedback from the users of this solution, in order to allow a better adaptation to the users' needs.

You will receive satisfaction surveys for this purpose. The answer to these surveys will be optional and your choice to answer or not to answer will not affect your remote monitoring.

These surveys will not include your name in order to ensure the confidentiality of your answers. Even without your name, your answers will be considered as personal data according to the GDPR and the French Data Protection Act.

BIOSENCY will be responsible for the processing of your personal data.

The processing of your personal data provided in these satisfaction surveys will be carried out on the basis of BIOSENCY's legitimate interest to evaluate the satisfaction of users of the BORA CARE solution and to study options for its optimization.

The data collected about you will relate to your use of the BORA CARE remote monitoring solution. Some of the data you provide in response to this questionnaire will be health data. BIOSENCY can only collect and process your health data with your explicit consent. For this reason, you will be asked at the end of the surveys to tick a box to indicate whether you consent to this processing. You may withdraw your consent at any time, without this affecting the lawfulness of the processing based on the consent given prior to the withdrawal of consent.

## **WHO ARE THE RECIPIENTS OF THE PERSONAL DATA COLLECTED BY BIOSENCY?**

### **1) Administration, operation and maintenance of the BORA CONNECT Platform and data hosting**

Access to your personal data collected and processed by BIOSENCY for the administration, operation, maintenance and hosting of the Platform is reserved to:

- authorized persons of BIOSENCY and to BIOSENCY's IT service providers in charge of the authentication and identity management service of users, of the email sending solution for sending business information from the Platform, of the SMS sending service used for double authentication purposes ;
- strictly authorized employees of the certified health data host, within the meaning of Article L.1111-8 of the Public Health Code, within the limits of their respective responsibilities, for the sole purpose of hosting data.

For further information, it is indicated that the information in your Patient Account and the health surveys that you will or may (survey) have to fill in on the Platform can be consulted by :

- the Healthcare Professional ;
- the Client and his Collaborators ;
- yourself.

Each of these Users has the possibility of exporting the remote monitoring data in PDF format.

## **2) Satisfaction surveys**

Access to your personal data collected and processed by BIOSENCY in the context of this questionnaire is reserved to authorized persons of BIOSENCY. Your data will not be shared with third parties.

### **HOW LONG WILL THE PERSONAL DATA COLLECTED BE KEPT?**

#### **1) Administration, operation and maintenance of the BORA CONNECT Platform and data hosting**

Your personal data is kept for the duration of the contractual relationship with BIOSENCY and will then be archived, for evidentiary purposes, in compliance with the legal and regulatory obligations of healthcare professionals for a period of five (5) years.

As for your connection logins, they are kept for a period of one year.

#### **2) Satisfaction surveys**

Your personal data will be kept for a period of four (4) years.

### **IS YOUR PERSONAL DATA TRANSFERRED OUTSIDE THE EUROPEAN UNION?**

BIOSENCY will process your personal data exclusively within the territory of the European Union and will not disclose or transfer the personal data to a client or subcontractor in a third country outside the European Union.

### **WHAT ARE YOUR RIGHTS?**

In accordance with the provisions of the Data Protection Regulation, you have the right to access, rectify and erase your data, as well as the right to the portability of the data you have provided, subject to the conditions laid down in the Data Protection Regulation for the exercise of these rights.

You also have the right to request the restriction of the processing of your data. In certain cases, you may, for reasons related to your personal situation, object to the processing of your data. You also have the right, in accordance with the Data Protection Act, to organize what shall happen to your personal data after your death.

You also have the right to make a complaint with a competent data protection authority, in France the CNIL, if you believe that there is non-compliance with the data protection regulation.

To exercise your rights, you are invited to contact directly the Client who collected and processes your personal data as data controller in the context of your remote monitoring.

You may also exercise your rights with BIOSENCY by sending an e-mail to the following address [dpo@biosency.com](mailto:dpo@biosency.com) or a letter to the following address BIOSENCY, 8 B RUE DU PRESSOIR GODIER - 35760 SAINT-GREGOIRE FRANCE.

Please note that if you contact BIOSENCY directly to exercise your rights, BIOSENCY will be obliged to access your identifying data if necessary to respond to your request for access.

### **BIOSENCY'S DATA PROTECTION OFFICER CONTACT DETAILS**

BIOSENCY has appointed a data protection officer with the CNIL whose contact details are as follows: [dpo@biosency.com](mailto:dpo@biosency.com) 8 B RUE DU PRESSOIR GODIER - 35760 SAINT-GREGOIRE FRANCE.

## **PART FOR THE CLIENT'S EMPLOYEES (ADMINISTRATOR AND NON-ADMINISTRATOR EMPLOYEES)**

### **WHAT PERSONAL DATA DOES BIOSENCY COLLECT, FOR WHAT PURPOSE AND ON WHAT LEGAL BASIS?**

#### **1) Execution of the Subscription Contract concluded with the Customer and of the General Terms of Use**

BIOSENCY collects and processes your personal data for the purpose of the execution of the Subscription Contract with the Customer and the General Terms of Use, for :

- the production, management and follow-up of Client files
- the management and monitoring of the Platform allowing the delivery of the remote monitoring service, including the creation of the Clients' Administrator Accounts, and technical support, as well as the allocation of BORA BAND wristbands;
- the management and follow-up of the training delivered on site and of the e-learning for the Clients;
- the medical device vigilance, monitoring and traceability purposes which it's responsible for according to the regulations on medical devices;
- collection, invoicing, accounting and reporting
- when applicable, litigation management.

On the basis of BIOSENCY's legitimate interest in developing and maintaining its relationship with Clients and prospects when pursuing the following purpose :

- commercial prospecting and animation ;
- management of the commercial relationship with Clients
- management of the relationship with its prospects;
- organization, registration and invitation to BIOSENCY events.

To this end, the personal data collected directly by BIOSENCY concerning yourself(ves) are the following: gender, surname, first name, e-mail address and telephone number and the Client to which you are attached. In addition, BIOSENCY also collects your connection logins to the Platform.

#### **2) Satisfaction surveys**

BIOSENCY, which has developed and operates the BORA CARE remote monitoring solution, wishes to have feedback from the users of this solution, in order to allow a better adaptation to the users' needs.

You will receive satisfaction surveys for this purpose. The answer to these surveys will be optional and your choice to answer or not to answer will not affect your relationship with BIOSENCY.

These surveys will not include your name in order to ensure the confidentiality of your responses. Even without your name, your answers will be considered as personal data according to the GDPR and the French Data Protection Act.

BIOSENCY will be responsible for the processing of your personal data.

The processing of your personal data provided in these satisfaction surveys will be carried out on the basis of BIOSENCY's legitimate interest to evaluate the satisfaction of the users of the BORA CARE solution and to study options for its optimization.

The data collected about you will relate to your use of the BORA CARE remote monitoring solution.

### **WHO IS THE RECIPIENT OF THE PERSONAL DATA COLLECTED BY BIOSENCY?**

#### **1) Execution of the Subscription Agreement with the Customer and the Terms and Conditions of Use**

Access to your personal data collected and processed by BIOSENCY is reserved for :

- authorized persons of BIOSENCY and to BIOSENCY's IT service providers in charge of the authentication and identity management service for users, the email sending solution for sending business information from the Platform, the SMS or email sending service used for double authentication purposes;

- strictly authorized employees of the certified health data host, within the meaning of Article L.1111-8 of the Public Health Code, within the limits of their respective responsibilities, for the sole purpose of hosting the data.

In addition, the information in your Account can be consulted by:

- the Customer ;
- yourself.

## **2) Satisfaction surveys**

Access to your personal data collected and processed by BIOSENCY in the context of this survey is reserved to :

- authorized persons of BIOSENCY
- BIOSENCY's service provider who publishes the software solution allowing to fill in the online satisfaction surveys and to carry out the statistical analysis of the answers to the surveys

## **HOW LONG WILL THE PERSONAL DATA COLLECTED BE KEPT?**

### **1) Execution of the Subscription Contract concluded with the Customer and of the General Conditions of Use**

Your personal data is kept for the duration of the contractual relationship with BIOSENCY and will then be archived for five (5) years, without prejudice to the conservation obligations or prescription periods.

As regards, your connection logins, they are kept for a period of one year.

### **2) Satisfaction surveys**

Your personal data will be kept for a period of four (4) years.

## **IS YOUR PERSONAL DATA TRANSFERRED?**

BIOSENCY will process your personal data exclusively within the European Union and will not disclose or transfer personal data to a client or subcontractor in a third country outside the European Union.

## **WHAT ARE YOUR RIGHTS?**

In accordance with the provisions of the Data Protection Regulation, you have the right to access, rectify and erase your data, as well as the right to the portability of the data you have provided, subject to the conditions laid down in the Data Protection Regulation for the exercise of these rights.

You also have the right to request the limitation of the processing that concerns you and to object to receiving commercial prospecting. In some cases, you may, for reasons related to your personal situation, object to the processing of your data. You also have the right, in accordance with the Data Protection Act, to organize what shall happen to your personal data after your death.

You also have the possibility to make a complaint with a competent data protection authority, in France the CNIL, if you consider, after having contacted BIOSENCY, that there is a non-compliance with the data protection regulations.

You may exercise your rights by sending an e-mail to the following address [dpo@biosency.com](mailto:dpo@biosency.com) or a letter to the following address BIOSENCY, 8 B RUE DU PRESOIR GODIER - 35760 SAINT-GREGOIRE FRANCE.

## **CONTACT DETAILS OF THE BIOSENCY DATA PROTECTION OFFICER**

BIOSENCY has appointed a data protection officer with the CNIL whose contact details are as follows: [dpo@biosency.com](mailto:dpo@biosency.com) 8 B RUE DU PRESOIR GODIER - 35760 SAINT-GREGOIRE FRANCE.

## PART FOR HEALTHCARE PROFESSIONALS

### WHAT PERSONAL DATA DOES BIOSENCY COLLECT, FOR WHAT PURPOSE AND ON WHAT LEGAL BASIS?

#### 1) Execution of the Subscription Contract concluded with the Customer and of the General Terms of Use

BIOSENCY collects and processes your personal data, for the purposes of the execution of the Subscription Contract concluded with the Customer (health care institution, home healthcare provider, nursing homes etc.) and of the General Terms of Use, in order to create your Accounts on the Platform so that you can, analyze the data of the Patients and follow up the Patients who are users of the BORA CARE Solution that they are managing. For the purpose of BIOSENCY's legitimate interests to develop and maintain its relationship with you, BIOSENCY collects and processes your data for the purpose of managing the commercial relationship, the organization, registration and invitation to BIOSENCY events.

To this end, the personal data collected directly by BIOSENCY concerning you are the following: gender, surname, first name, date and place of birth, e-mail address and phone number. An optional field allows the entry of your RPPS or Healthcare professional registration number. In addition, BIOSENCY also collects your connection logins to the Platform.

#### 2) Satisfaction surveys

BIOSENCY, which has developed and operates the BORA CARE remote monitoring solution, wishes to have feedback from the users of this solution, in order to allow a better adaptation to the users' needs.

You will receive satisfaction surveys for this purpose. The answer to these surveys will be optional and your choice to answer or not to answer will not affect your relationship with BIOSENCY.

These surveys will not include your name in order to ensure the confidentiality of your responses. Even without your name, your answers will be considered as personal data according to the GDPR and the French Data Protection Act.

BIOSENCY will be responsible for the processing of your personal data.

The processing of your personal data provided in these satisfaction surveys will be carried out on the basis of BIOSENCY's legitimate interest to evaluate the satisfaction of the users of the BORA CARE solution and to study options for its optimization.

The data collected about you will relate to your use of the BORA CARE remote monitoring solution.

#### 3) Statistical analysis

BIOSENCY would like to receive feedback on your use of the BORA CARE platform. To this end, your personal data may be subject to statistical reports and analyses.

BIOSENCY is committed to ensuring that the processing of your personal data for statistical purposes complies with the General Data Protection Regulation and the national regulations in force. Thus, the personal data collected for statistical processing are subject to strict rules and measures guaranteeing their security and confidentiality.

To this end, the personal data collected by BIOSENCY concerning you are the following: name, total number of patients, patients being followed up, number of follow-ups per week, average duration of follow-ups.

### WHO IS THE RECIPIENT OF THE PERSONAL DATA COLLECTED BY BIOSENCY?

#### 1) Execution of the Subscription Agreement with the Customer and the Terms and Conditions of Use

Access to your personal data collected and processed by BIOSENCY is reserved to :

- to authorized persons of BIOSENCY and to the IT service providers of BIOSENCY in charge of the authentication and identity management service of the users, of the email sending solution for the sending of business information from the platform, of the SMS or email sending service used for double authentication purpose;
- to strictly authorized employees of the certified health data host, within the meaning of Article L.1111-8 of the Public Health Code, within the limits of their respective responsibilities, for the sole purpose of hosting the data.

In addition, the information in your Account can be consulted by :



- the Client ;
- the Client's employees ;
- yourself.

## **2) Satisfaction surveys**

Access to your personal data collected and processed by BIOSENCY in the context of this survey is reserved to :

- authorized persons of BIOSENCY
- BIOSENCY's service provider who publishes the software solution allowing to fill in the online satisfaction surveys and to carry out the statistical analysis of the answers to the surveys

## **HOW LONG WILL THE PERSONAL DATA COLLECTED BE KEPT?**

### **1) Execution of the Subscription Contract concluded with the Customer and the General Conditions of Use**

Your personal data is kept for the duration of the contractual relationship with BIOSENCY and will then be archived for five (5) years, without prejudice to retention obligations or limitation periods.

As regards your connection logins, they are kept for a period of one year.

### **2) Satisfaction surveys**

Your personal data will be kept for a period of four (4) years.

## **IS YOUR PERSONAL DATA TRANSFERRED?**

BIOSENCY will process your personal data exclusively within the territory of the European Union and will not disclose or transfer personal data to a client or subcontractor in a third country outside the European Union.

## **WHAT ARE YOUR RIGHTS?**

In accordance with the provisions of the Data Protection Regulation, you have the right to access, rectify and erase your data, as well as the right to the portability of the data you have provided, subject to the conditions laid down in the Data Protection Regulation for the exercise of these rights.

You also have the right to request the limitation of the processing that concerns you and to object to receiving commercial canvassing. In certain cases, you may, for reasons related to your personal situation, object to the processing of your data. You also have the right, in accordance with the Data Protection Act, to organize what shall happen to your personal data after your death.

You also have the possibility to make a complaint with a competent data protection authority, in France the CNIL, if you consider, after having contacted BIOSENCY, that there is a non-compliance with the data protection regulations.

You may exercise your rights by sending an e-mail to the following address [dpo@biosency.com](mailto:dpo@biosency.com) or a letter to the following address BIOSENCY, 8 B RUE DU PRESOIR GODIER - 35760 SAINT-GREGOIRE FRANCE.

## **CONTACT DETAILS OF THE BIOSENCY DATA PROTECTION OFFICER**

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