

# Olympus MedPresence Privacy Notice

## Exhibit B

### MedPresence™ Privacy Notice

**Effective Date:** January 1, 2020

**Latest update:** January 1, 2020

**Latest review:** January 1, 2020

#### I. Introduction

Safeguarding personal data is fundamental to Olympus Corporation and its group companies (“We” or “Us” or “Olympus”) core values, and its commitment to patients, healthcare professionals, external business partners, employees, and consumers. This Privacy Notice explains how Olympus collects, uses, and shares personal data it receives from its business customers (“Controllers”) and their users (hereinafter referred to as “Users” or “you”) in connection with the purchase and use of MedPresence and its connected mobile applications and services (the “Product”). Personal data (“Personal Data”) is any information that is related to an identified or identifiable natural person.

With regard to the Product, Olympus processes Personal Data as a processor only, on behalf of a controller, as defined below. Users should be aware that the Personal Data collected through the Product will depend on how Olympus’ customer(s) (hereinafter referred to as the “Customer” or the “Controller”), configures the Product. The term “Controller” shall be interchangeable with the term “Business” under the California Consumer Privacy Act. Users should review the Controller’s privacy policies or notice(s). The Controller is responsible for providing any necessary notices to its users, and obtaining any legally required authorization or consents from users regarding use of the Product, if any.

This Privacy Notice may be supplemented by just-in-time notices, or other disclosures contained within or in connection with the provision of the Product which may describe in more detail our data collection, use and sharing practices, or provide you with additional choices about how Olympus processes your Personal Data.

You will be informed of changes to this Privacy Notice via updated notices that will be published on this page. In case of significant changes, you may receive additional notification about the updated Privacy Notice.

If you have any questions about this Privacy Notice, please contact us by following the “Contact Us” section of this Privacy Notice.

# Olympus MedPresence Privacy Notice

## II. Information that we process on behalf of our Customers (Controller)

Olympus' Customers and their Users may submit or upload information, including Personal Data, into the Product for further processing, including streaming or storing ("Customer's Content"). Customer's Content is processed solely on behalf of Customer, and our privacy practices are governed by the contract we have in place with Customer. Olympus will process Customer's Content in accordance with the contract and Customer's instructions. If you have any questions or concerns about how such information is handled, you should contact the Customer/Controller. Olympus will provide assistance to our Customers to address any concerns you may have.

Olympus will also become a controller when it collects Personal Data directly from user. In this situation, Olympus will be acting under a "legitimate interest" to legally process the personal data for the management of the Product and to fulfill its contractual requirements to its Customer.

Olympus uses third party processors ("sub processors") to enable the provision of the Product to our Customers. These sub processors may have access to your Personal Data. We encourage you to review each sub processor's privacy notice, if applicable, to understand how your Personal Data is processed within the Product. More information about the sub processors Olympus uses can be found in Section X of this Privacy Notice.

## III. What information do we collect and receive?

Over the past 12 months, Olympus may have collected/processed the following types of information when our Customer or their users use the Product, which may include your Personal Data:

Personal Data			
Category of Personal Information	Source of Information	Purpose for Collection	Categories of Recipients
<b>Contact information</b> , such as your name, email address, phone number, job title, company name and any other information that either you choose to provide through an open text field or to our technical assistance center or a Customer chooses to provide through an open text field or to set up a User's profile	From Customers and/or their Users when they access the Product	To enable you to use the Product; to respond to your requests for information; to contact Customer(s) and/or Users to provide support for the Product; to enable the delivery of the Product to Customers and their Users (this may include provisioning and controlling access to the Product, tracking entitlements, and verifying compliance)	Our current or future parent company and corporate affiliates and subsidiaries; third party vendors, sub processors, consultants and other service providers who need access to such information to carry out work on our behalf, including supporting the Product; a third party for a business purpose (after entering into a contract that describes the purpose and requires the third party to keep the Personal Data secure and confidential and to only use it for the purposes described in the contract); and any other person with your consent or at your direction

# Olympus MedPresence Privacy Notice

Personal Data			
Category of Personal Information	Source of Information	Purpose for Collection	Categories of Recipients
<b>Login information</b> , such as usernames and passwords used to access your account	From Customers and/or their Users when they access the Product	To enable Users to access our services	This information is not shared outside Olympus
<b>Information provided by Users</b> , such as files, logs, or other information to assist us with responding to, troubleshooting and otherwise resolving a Product support request	From Customers and/or their Users when they access the Product	To provide support; to better understand how Users interact with the Product; to provide a personalized experience; to implement the preferences Users request; to improve Product quality and reliability; to maintain the security and operational integrity of the Product, including for security monitoring and incident management; for the purposes of quality control and training; and when it is necessary for other legitimate purposes such as protecting Olympus' confidential and proprietary information	Our current or future parent company and corporate affiliates and subsidiaries; third party vendors, sub processors, consultants and other service providers who need access to such information to carry out work on our behalf, including supporting the Product; a third party for a business purpose (after entering into a contract that describes the purpose and requires the third party to keep the Personal Data secure and confidential and to only use it for the purposes described in the contract); and any other person with your consent or at your direction
<b>Data automatically collected from the Product</b> , including: configuration data (technical data, such as settings and/or third party systems) about how a Customer has configured the Product and related environment information; feature usage data (data relating to how a Customer uses the Product, such as details about which features a Customer uses and metrics of user interface activity); performance data (such as metrics of the Product, response times for user interfaces, and details about Customer API calls, if any); and log information about your use of the Product (such as access times, pages viewed, and your IP address)	From Customers and/or their Users when they access the Product	To manage Customer account(s) (including by managing product downloads, patches, updates and fixes, if any, and sending other administrative or account-related communications, including release notes); to provide customer support; to better understand how Users interact with the Product; to provide a personalized experience; to implement the preferences Users request; to improve Product quality and reliability; to maintain the security and operational integrity of the Product, including for security monitoring and incident management, managing the performance and stability of the Product; for the purposes of quality control and training; to confirm compliance with contractual obligations and other terms of use obligations in connection with the relevant Product; and when it is necessary for other legitimate purposes such as protecting Olympus' confidential and proprietary information	Our current or future parent company and corporate affiliates and subsidiaries; third party vendors, sub processors, consultants and other service providers who need access to such information to carry out work on our behalf, including supporting the Product; a third party for a business purpose (after entering into a contract that describes the purpose and requires the third party to keep the Personal Data secure and confidential and to only use it for the purposes described in the contract); and any other person with your consent or at your direction

# Olympus MedPresence Privacy Notice

Personal Data			
Category of Personal Information	Source of Information	Purpose for Collection	Categories of Recipients
<b>Data relating to the computer or mobile device you use to access the Product</b> , such as the hardware model, operating system and version, unique device identifiers and mobile network information	From Customers and/or their Users when they access the Product	To manage Customer account(s) (including by managing product downloads, patches, updates and fixes, if any, and sending other administrative or account-related communications, including release notes); to provide customer support; to better understand how Users interact with the Product; to provide a personalized experience; to implement the preferences Users request; to improve Product quality and reliability; to maintain the security and operational integrity of the Product, including for security monitoring and incident management, managing the performance and stability of the Product; for the purposes of quality control and training; to confirm compliance with contractual obligations and other terms of use obligations in connection with the relevant Product; and when it is necessary for other legitimate purposes such as protecting Olympus' confidential and proprietary information	Our current or future parent company and corporate affiliates and subsidiaries; third party vendors, sub processors, consultants and other service providers who need access to such information to carry out work on our behalf, including supporting the Product; a third party for a business purpose (after entering into a contract that describes the purpose and requires the third party to keep the Personal Data secure and confidential and to only use it for the purposes described in the contract); and any other person with your consent or at your direction
<b>Information Collected by Cookies and Other Tracking Technologies:</b> We and our sub processors use various technologies, including cookies (small data files stored on your hard drive or in device memory) and web beacons (electronic images that may be used as part of our Product or in our emails and help deliver cookies), to collect information about you when you interact with the Product, including the above referenced information	From Customers and/or their Users when they access the Product	To help us improve our Product and your experience; to see which areas and features of our Product are popular; to count visits; to provide customer support; to better understand how Users interact with the Product; to provide a personalized experience; to implement the preferences Users request; to improve Product quality and reliability; to maintain the security and operational integrity of the Product, including for security monitoring and incident management, managing the performance and stability of the Product; for the purposes of quality control and training; to confirm compliance with contractual obligations and other terms of use obligations in connection with the relevant Product; and when it is necessary for other legitimate purposes such as protecting Olympus' confidential and proprietary information	Our current or future parent company and corporate affiliates and subsidiaries; third party vendors, sub processors, consultants and other service providers who need access to such information to carry out work on our behalf, including supporting the Product; a third party for a business purpose (after entering into a contract that describes the purpose and requires the third party to keep the Personal Data secure and confidential and to only use it for the purposes described in the contract); and any other person with your consent or at your direction

# Olympus MedPresence Privacy Notice

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In all of the above situations, Olympus uses processes and procedures that minimize the amount of Personal Data it collects, if any. Olympus does not rent, lease, or otherwise sell your Personal Data.

## IV. Sharing of Information

We may share information about you as follows or as otherwise described in this Privacy Notice:

- If we believe your actions are inconsistent with our user agreements or policies, or to protect the rights, property and safety of Olympus or others;
- In connection with, or during negotiations of, any merger, sale of company assets, financing or acquisition of all or a portion of our business by another company; and
- In response to a request for information if we believe disclosure is in accordance with, or required by, any applicable law, regulation or legal process; or to comply with applicable laws and regulations and to operate our business, including to comply with legally mandated reporting, disclosure or other legal process requests, for mergers and acquisitions, finance and accounting, archiving and insurance purposes, legal and business consulting and in the context of dispute resolution.

We may also share aggregated or de-identified information, which cannot reasonably be used to identify you. Olympus does not sell your Personal Data.

## V. How Long We Retain Information

We will retain your Personal Data for as long as required to perform the purposes for which the Personal Data was collected, depending on the legal basis for which that Personal Data was obtained and/or whether additional legal/regulatory obligations require us to retain it.

In general terms, this will mean that your Personal Data will be kept for the duration of our relationship with the Controller and:

- the period required by applicable laws and regulations; and
- as long as it is necessary for you to be able to bring a claim against us and for us to be able to defend ourselves against any legal claims. This will generally be the length of the relationship plus the length of any applicable statutory limitation period under local laws.

When we have no justifiable business need to process your Personal Data, we will either delete or anonymize it.

## VI. Cookies

We collect certain information, including Personal Data, by automated means, using technologies such as cookies, pixel tags, browser analysis tools, server logs, and web beacons. Cookies are small text files that websites send to your computer or other connected device to uniquely identify your browser or to store information or settings in your browser. Cookies allow us to recognize when you return to the Product. They also help us provide a customized experience and enable us to detect certain kinds of fraud. The types of technology used by Olympus may change over time as technology evolves. Some of these technologies are essential for the provision of the Product, such as account access/authentication. To learn more about the cookies we use, click [here](#).

# Olympus MedPresence Privacy Notice

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## VII. Security

Olympus is committed to maintaining the appropriate organizational, technical, and physical controls to protect the Personal Data entrusted to us. These controls protect Personal Data from anticipated threats and hazards as well as unauthorized access and use. Olympus will strive to provide security that is proportional to the sensitivity of the Personal Data being protected, with the greatest effort being focused on protecting Sensitive Personal Data, like medical data, that could result in substantial harm or inconvenience if it got into the wrong hands.

## VIII. International Transfers of Personal Data

Your information, including your Personal Data, will be submitted to the dedicated servers managed by Olympus and/or its sub processor(s). By accessing or using the Product or otherwise providing information to us, you consent to the processing and transfer of information in and to the U.S. and other countries, where you may not have the same rights as you do under local law. Where this is the case, we will protect your personal Data in accordance with this Privacy Notice wherever it is processed and will take appropriate contractual or other steps to protect the relevant Personal Data in accordance with applicable laws.

## IX. Processors

In order to provide the Product to our Customers, Olympus assigns certain services to processors/service providers. Olympus encourages you to review the below referenced privacy notices to fully understand how your Personal Data is being processed. Olympus uses the following processors/sub-processors:

Processors/Sub-processors		
Process Provided	Company Name	Privacy Notice Link
Video conferencing/web conferencing/video streaming	Zoom	<a href="https://zoom.us/privacy">https://zoom.us/privacy</a>
Storage/database/processing	Microsoft Azure	<a href="https://privacy.microsoft.com/en-us/PrivacyStatement">https://privacy.microsoft.com/en-us/PrivacyStatement</a>
Storage/database/processing (only used if personal data is required to be transferred to the U.S. as part of an escalated service event)	Box	<a href="https://www.box.com/legal/privacypolicy">https://www.box.com/legal/privacypolicy</a>
Internal Information Technology support and help desk.	Tata Consultancy Services	<a href="https://www.tcs.com/privacy-policy">https://www.tcs.com/privacy-policy</a>

# Olympus MedPresence Privacy Notice

## X. Legal Basis – European Union, UK, and Switzerland

Olympus has the following legal basis for processing your Personal Data:

Personal Data	
Type of Personal Data	Legal Basis
Information you provide to us	<ul style="list-style-type: none"><li>• Olympus exercising its rights and performing its obligations in connection with any contract we make with Controller (Article 6 (1) (b) General Data Protection Regulation).</li><li>• Compliance with Olympus' legal obligations (Article 6 (1) (c) General Data Protection Regulation).</li></ul>
Information provided to us by Controller	<ul style="list-style-type: none"><li>• Olympus exercising its rights and performing its obligations in connection with any contract we make with Controller (Article 6 (1) (b) General Data Protection Regulation).</li><li>• Compliance with Olympus' legal obligations (Article 6 (1) (c) General Data Protection Regulation).</li></ul>
Information we collect automatically	<ul style="list-style-type: none"><li>• Legitimate interests pursued by Olympus (Article 6 (1) (f) General Data Protection Regulation). Olympus has assessed that these legitimate interests are not overridden by the data protection interests or fundamental rights of any individuals.</li><li>• Compliance with Olympus' legal obligations (Article 6 (1) (c) General Data Protection Regulation).</li></ul>

If you have questions about or need further information concerning the legal basis on which we collect and use your Personal Data, please contact us by following the information below in the "Contact Us" section.

## XI. Rights and Choices for Residents of the European Union

If you reside in the European Economic Area, you have the right to exercise certain privacy rights, such as the right to object to the processing of your Personal Data, data portability, and to access, correct, and delete your Personal Data, under the General Data Protection Regulation. Since Olympus is processing Personal Data purely on behalf of our Customers (as a service provider), any individuals who seek to exercise their rights should first direct their query to the Controller/our Customer.

## XII. Rights and Choices for Residents of the State of California

California residents who provide personal information in obtaining products or services for personal, family, or household use are entitled to request and obtain from us once a calendar year information about the information we shared with third parties for their own direct marketing purposes, including the categories of information and the names and addresses of those businesses with which we have shared such information. As discussed elsewhere in this Privacy Policy, we do not currently share the personal information of California residents with third parties for their own direct marketing purposes. However, if you have further questions about our privacy practices and compliance with California law, please contact us as explained below.

Olympus is a service provider to its Customers who may provide information about you in connection with their use of the Product. If you are a consumer, please direct any questions regarding your California Consumer Privacy Act privacy rights to the applicable Customer.

To the extent you have provided us personal information directly and, if you are a California resident, California law provides you with the following rights with respect to your personal information:

# Olympus MedPresence Privacy Notice

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- The right to request to know the categories or specific pieces of personal information we have collected, used, disclosed and sold about you. To submit a request to know, you may email us at [ocadataprivacy@olympus.com](mailto:ocadataprivacy@olympus.com). You also may designate an authorized agent to make a request for access on your behalf by emailing us at [OCADataPrivacy@olympus.com](mailto:OCADataPrivacy@olympus.com).
- The right to request that we delete any personal information we have collected about you. To submit a request for deletion, you may email us at [OCADataPrivacy@olympus.com](mailto:OCADataPrivacy@olympus.com). You also may designate an authorized agent to make a request for deletion on your behalf on our website at [OCADataPrivacy@olympus.com](mailto:OCADataPrivacy@olympus.com).

When you exercise these rights and submit a request to us, we will verify your identity by asking you to log in to your account if you have one with us. Or if you do not, we may ask for your email address. Olympus also may use a third party verification provider to verify your identity.

The fact that you have elected to exercise these rights will have no adverse effect on the price and quality of our Services.

Olympus does not and will not sell your personal information shared in connection with your purchase or use of the Product to third parties

## XIII. Information About Minors – United States

Olympus does not knowingly solicit or collect personally identifiable information from children under the age of thirteen (13) without verifiable parental consent. If Olympus learns that a child under the age of thirteen (13) has submitted personally identifiable information online without parental consent, Olympus will take all reasonable measures to delete such information from our databases and to not use such information for any purpose (except where necessary to protect the safety of the child or others as required or allowed by law). If you become aware of any personally identifiable information we have collected from children under thirteen (13), please contact us at [OCADataPrivacy@olympus.com](mailto:OCADataPrivacy@olympus.com).

Minors under eighteen (18) years of age may have the Personal Information that they provide to us deleted by sending an email requesting deletion to [OCADataPrivacy@olympus.com](mailto:OCADataPrivacy@olympus.com). Please note that, while we make reasonable efforts to comply with such requests, deletion of your personal information does not ensure complete and comprehensive removal of that data from all systems.

## XIV. Contact Us

If you have any questions about this Privacy Notice, please contact us by using the following information:

### Contact us within Europe, Middle East and Africa:

Data Protection Officer  
Olympus Europa SE & CO. KG  
Amsinckstraße 63  
20097 Hamburg, Germany  
[dataprotection@olympus-europa.com](mailto:dataprotection@olympus-europa.com)

### Contact us within the Americas:

Head of Privacy  
Olympus Corporation of the Americas  
3500 Corporate Parkway  
Center Valley, PA 18034  
[OCADataPrivacy@olympus.com](mailto:OCADataPrivacy@olympus.com)

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**OLYMPUS AMERICA INC.**  
3500 Corporate Parkway, PO BOX 610, Center Valley, PA 18034

For more information, contact your Olympus sales representative, or call 800-848-9024.  
[www.medical.olympusamerica.com](http://www.medical.olympusamerica.com)