
PRIVACY NOTICE

Last updated: 29 March 2024

This privacy notice applies to the use of the emPOWER mobile application from Erbe Elektromedizin GmbH (hereinafter the "App"). We may amend this privacy notice at any time by publishing the amended version and specifying its effective date. If you have registered for the App, you will be notified of any material changes to this privacy notice by email.

1. CONTROLLER AND CONTACT

The controller for the processing of personal data in connection with the App is

Erbe Elektromedizin GmbH (hereinafter also „we“ and „us“)
Waldhörnlestrasse 17
72072 Tübingen
Germany

You can contact us with questions and requests related to the protection of personal data at the above address. You can also reach out to our data protection officer via the address suffix "Data Protection Officer" and at gdpr@erbe-med.com.

Information on your rights as a data subject can be found under [Your rights](#) below.

2. PROCESSING PURPOSES AND LEGAL BASES

We process your personal data for various purposes and on various legal bases.

2.1 PRE-CONTRACTUAL STEPS AND PERFORMANCE OF A CONTRACT

If you register for the App or contact us for this purpose, we collect your personal data in order to conclude and perform a contract with you. Processing related to the performance of the contract includes the storage of the data provided by you. It also includes the provision of personalised content based on your use of the App and medical activity. If you are registered for the App and communicate with us in relation to the App, we also process your data in order to perform the contract with you, including the provision of customer service (Art. 6(1) b GDPR).

2.2 COMPLIANCE WITH LEGAL OBLIGATIONS

We process your personal data in order to comply with our legal obligations (Art. 6(1) c GDPR). This includes the following processing purposes:

- Ensuring the information security of our services
- Compliance with statutory retention obligations
- Compliance with data protection obligations (e.g., when you exercise your data subject rights)

2.3 SAFEGUARDING LEGITIMATE INTERESTS

We process your personal data in order to pursue our legitimate interests or the legitimate interests of a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of your personal data (Art. 6(1) f GDPR).

2.3.1 LOG FILES

When you use our services, certain information is automatically transmitted by your end device and stored by us in so-called log files. The log files are stored by us for 7 to 10 days exclusively to investigate faults and for security reasons (e.g., to clarify

attempted attacks) and then deleted. Log files whose further storage is required for evidence purposes are excluded from deletion until final clarification of the respective incident.

The following information is stored in the log files:

- Abbreviated IP address (Internet Protocol address) of the end device from which the App is accessed
- Name of the service provider used to access the App
- Name of the retrieved files or information
- Date and time as well as duration of the retrieval
- Operating system
- http status code (e.g., "request successful" or "requested file not found")

2.3.2 FURTHER DEVELOPMENT OF OUR SERVICES

We use your data to further develop and improve our services and to develop new products. At the same time, we also use your data to better understand how and by whom our services are used. In doing so, we divide our users into different target and user groups (user segmentation).

2.3.3 INFORMATION SECURITY

We process your personal data to avert security threats, unless there is already a legal obligation to do so.

2.3.4 COMPARISONS WITH OTHER USERS

Through the App, we want to enable our users to compare the settings they have chosen when using Erbe medical devices with the settings chosen by other users in similar circumstances. To this end, we will collect and aggregate information about our users' medical activity (e.g., number of uploaded procedures, procedure types, electrosurgical settings etc.) and inform them how their usage behaviour compares to other users in their respective regions. The aim is to facilitate the use of Erbe medical devices, which is in both our and our users' legitimate interest.

3. DATA SHARING

Unless we obtain your separate explicit consent, your personal data will only be shared with the following recipients so that we can perform our contract with you (Art. 6(1) b GDPR):

- Cloud storage provider
- IT service provider/consultant

4. INTERNATIONAL DATA TRANSFERS

We transfer some of your personal data to countries outside the European Economic Area (EEA). Your personal data may also be transferred to third countries by our service providers. Third countries that offer an adequate level of data protection currently include Andorra, Argentina, Canada (with regard to companies which are covered by the Personal Information Protection and Electronic Documents Act), Switzerland, the Faroe Islands, Guernsey, Israel, the Isle of Man, Japan, Jersey, New Zealand, South Korea, Uruguay, the United Kingdom and the United States (with regard to companies which are registered under the EU-US Data Privacy Framework). In other cases, we ensure that the service providers guarantee an equivalent level of data protection by concluding data protection contracts issued by the European Commission (standard data protection clauses) or through other safeguards provided for by law. Documentation of the safeguards is available from us on request.

5. DURATION OF DATA STORAGE

We store your data for as long as is necessary to provide our services or as long as we have a legitimate interest in continuing to store it. In all other cases, we delete your personal data with the exception of data we must store in order to comply with

contractual or statutory retention periods (e.g., under tax or commercial law). We restrict the processing of data that is subject to a retention period until the period expires. Once the relevant retention periods have expired, the data will be deleted.

6. YOUR RIGHTS

Subject to legal requirements and restrictions, you have the following rights with regard to the processing of your personal data. To exercise these rights, please contact us by post or our data protection officer by email using the information in the [Controller and Contact](#) section and ensure that we are able to clearly identify you. Your request will generally be processed free of charge. For manifestly unfounded or excessive requests, we reserve the right in individual cases to charge an appropriate fee (up to a maximum of our actual costs) or to refuse to act on the request in accordance with applicable laws.

6.1 RIGHT OF ACCESS AND TO RECTIFICATION

You may request that we confirm whether we process personal data concerning you, and, where that is the case, you may request access to the personal data and additional information about the processing. If your data is incorrect or incomplete, you may request that your data be rectified or completed immediately. If we have shared your data with third parties, we will inform them of the rectification where this is required by law.

6.2 RIGHT TO ERASURE

You may request the erasure of your personal data stored by us, unless (i) the processing is necessary for exercising the right of freedom of expression and information, (ii) for compliance with a legal obligation, (iii) for reasons of public interest or (iv) for the establishment, exercise or defence of legal claims. If we have passed on your data to third parties, we will inform them of the erasure where this is required by law.

6.3 RIGHT TO RESTRICTION OF PROCESSING

You may request the restriction of the processing of your personal data if (i) the accuracy of the data is contested by you, (ii) the processing is unlawful, but you oppose the erasure of the data and request the restriction instead, (iii) we no longer need the data, but you need it for the establishment, exercise or defence of legal claims or (iv) you have objected to the processing.

6.4 RIGHT TO DATA PORTABILITY

You have the right to receive personal data concerning you and that you have provided to us for the performance of a contract or on the basis of consent in a structured, commonly used and machine-readable format. In this case, you may also request that we transfer the data directly to a third party, where this is technically feasible.

6.5 RIGHT TO WITHDRAW CONSENT

If you have given us your consent to process your data, you may withdraw your consent at any time with effect for the future.

6.6 RIGHT TO OBJECT

If your personal data is processed on the basis of legitimate interests, you have the right to object to the processing on grounds relating to your particular situation. We will then conduct a balancing of interests to determine whether our interests prevail. If we process your personal data for direct marketing purposes, you have an absolute right to object to the processing.

6.7 RIGHT TO LODGE A COMPLAINT WITH A SUPERVISORY AUTHORITY

You have the right to lodge a complaint with a data protection authority. You can contact the data protection authority of your choice, for example, the data protection authority in your usual place of residence, your place of work or the data protection authority responsible for us. This is:

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Baden-Württemberg
Lautenschlagerstraße 20
70173 Stuttgart
Germany

7. INFORMATION SECURITY

We protect your personal data using technical and organisational security measures to minimise the risks of loss, misuse, unauthorised access and unauthorised transmission and modification. To this end, we use firewalls, data encryption and access restrictions and other security measures.

8. OTHER INFORMATION

8.1 NO OBLIGATION TO PROVIDE PERSONAL DATA

You are under no legal obligation to provide personal data to us. However, without this data we may not be able to enter into a contract with you and provide our services to you.

8.2 NO AUTOMATED DECISION-MAKING

Your personal data will not be subject to automated decision-making.