

## UNOFFICIAL NON-BINDING TRANSLATION

### PRIVACY STATEMENT ESSURE CLAIMS FOUNDATION

The Essure Claims Foundation (the “**Foundation**” or “**we**”) attaches importance to the protection of your privacy and the protection of your personal data in accordance with the General Data Protection Regulation (“**GDPR**”) (EU Regulation 2016/679). In particular with regard to sensitive data, amongst which data about your health. This Privacy Statement was drawn up to inform you how and to which end the Foundation processes your personal data. With processing personal data is meant all acts possible with personal data, such as collecting, storing, viewing and providing to third parties of personal data. Your personal data may only be processed for a purpose that is known to you.

This Privacy Statement contains information about:

1. What personal data is and which personal data is processed by the Foundation;
2. In what way your personal data is obtained by the Foundation;
3. Who is responsible for processing of personal data;
4. To which end and based on which grounds your personal data is processed by the Foundation;
5. With whom the Foundation shares your personal data;
6. Transfer of data to countries outside the European Economic Area;
7. How long your personal data will be kept by the Foundation;
8. Which rights you have with regard to your personal data and
9. How long your personal data will be protected.

This Privacy Statement is meant for all people whose personal data is processed by the Foundation and is also available on [www.essureclaimsnetherlands.com](http://www.essureclaimsnetherlands.com) (the “**Website**”).

#### **1. What is personal data and which personal data is processed by us?**

With personal data all information is meant regarding an identified or identifiable natural person. The Foundation can process the following personal data belonging to you (the “**Personal data**”):

- First name and surname, preposition, title;
- Address, place and country of residence;
- Email address;
- Telephone number;
- Data of birth;
- In as far as the Foundation needs this data for identification: document numbers of a passport or ID card;
- In as far as the Foundation will be carrying out payments to you: your financial data amongst which a bank account number /IBAN number;
- As far as you visit the Website: your IP-address;
- As far as the Foundation wishes to contact your insurer for legal assistance: data with regard to your insurance for legal assistance;
- As far as the Foundation needs this data in order to look after your interests: data about your health, amongst which data from your medical records and medical expenses;
- Data with regard to your financial situation, a.o. your income and or benefits received;
- Data with regard to your working situation, a.o. your personnel file, employment history, salary and absenteeism;
- All other personal data relating to you which you provide us with or which we are able to obtain in connection with the purposes and based on the grounds as mentioned hereinafter.

## 2. In which way do we obtain your personal data?

The Essure Claims Foundation (the “**Foundation**” or “**we**”) attaches importance to the protection of your privacy and the protection of your personal data in accordance with the General Data Protection Regulation (“**GDPR**”) (EU Regulation 2016/679). In particular with regard to sensitive data, amongst which data about your health. This Privacy Statement was drawn up to inform you how and to which end the Foundation processes your personal data. With processing personal data is meant all acts possible with personal data, such as collecting, storing, viewing and providing to third parties of personal data. Your personal data may only be processed for a purpose that is known to you.

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- As far as the Foundation wishes to contact your insurer for legal assistance: data with regard to your insurance for legal assistance;
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- Data with regard to your financial situation, a.o. your income and or benefits received;
- Data with regard to your working situation, a.o. your personnel file, employment history, salary and absenteeism;
- All other personal data relating to you which you provide us with or which we are able to obtain in connection with the purposes and based on the grounds as mentioned hereinafter.

#### 4. In which way do we obtain your personal data?

Your **IP-address** is obtained when you visit the Website as the Website makes use of cookies. Cookies are little text files or other techniques with which information is installed on your device when visiting a website. We use various types of cookies for various purposes.

- a. **functional cookies:** cookies that are necessary to make sure the Website works as it should; and
- b. **analytical cookies:** cookies that allow us to gain insight into the way in which you make use of (parts of) the Website, to enable us to improve the Website. We use the data obtained by means of these cookies not to study the use of the Website on an individual level, but merely on an aggregated level. We only use cookies of third parties to improve the quality and effectiveness of the Website. To that end, for instance, we use Google Analytics, which is configured in a privacy-friendly way. Google Analytics processes IP-addresses for us.

The Foundation can obtain the **data on your health** because at some time you provide this to us or because this data is provided to the Foundation by third parties. With regard to the agreement entered into with you and to protect its statutory interests, The Foundation works together with PGMBM ("**Foreign Counsel**"), Dutch lawyers and possibly experts and can, via them, obtain data from you. This data will only be processed in as far as necessary for the initiation of legal proceedings by the Foundation and/ or for the protection of your interests.

The other Personal data stated under 1 above, we obtain because you provide this to us when you join the Foundation or when you have provided this data at a later stage.

#### 5. Who is responsible for processing of your Personal data?

The Foundation is responsible for the processing of data as described in the Privacy Statement. The Foundation has its registered office in Amsterdam en is registered in the Chamber of Commerce register under number 75175398. More information about the Foundation can be found on [www.essureclaimsnetherlands.com](http://www.essureclaimsnetherlands.com)

If you have any questions about your Personal data you can contact the Foundation by way of email: [privacy@essureclaimsnetherlands.com](mailto:privacy@essureclaimsnetherlands.com).

#### 6. Purposes and basis of the processing of your Personal data

The Foundation will solely process your Personal data for the following purposes:

- Representation of interests of all affected Essure patients in and out of court: your Personal data will be used for the representation of the interests of women who had implanted in their Fallopian tubes an Essure (a contraceptive produced and offered by Bayer AG (or affiliated entities, "**Bayer et al.**") and as a result of the implantation suffer damages, run a risk of suffering damages and/or (have) suffered damages (the "**Support Group**"). The use of your Personal data enables the Foundation to do research in your and the Support Group's interests and (if opportune and feasible) obtain compensation through obtaining a settlement or by initiating legal proceedings against Bayer et al.
- Communication: your Personal data will be used to communicate with you and to inform you of topics that are of importance to the representation of your interests.
- Identification and files: your Personal data will be used in order to identify you and to avoid any confusion with other people in the Support Group. Additionally your Personal data will be used to set up a file in which all relevant documentation relating to you will be stored. The Personal

data will also be used in order to assess whether you are an Essure patient suffering damages, at risk of suffering damages or (has) suffered damages.

If the Foundation intends to further process the Personal data for any other purpose than that for which the Personal data was initially collected, then the Foundation will provide you with the required information before it further processes the collected data.

The processing of your Personal data is based on the following grounds:

- The processing is necessary for the execution of the Agreement that the Foundation entered into with you (article 6 (1) (b) GDPR).
- The processing is necessary for the representation of a legitimate interest (article 6 (1) (f) GDPR), which a.o. comprises:
  - the interest involved with (legal) representation in order to represent you and the Support Group in a dispute against Bayer et al. and conducting negotiations or procedures against Bayer et al.;
  - fraud prevention: the Foundation wants to avoid that people not suffering damages as a result of the actions of above parties join the Foundation and would thus unfairly profit from its activities.

On the basis of article 9 GDPR it is prohibited to process special categories of personal data, such as data about your health, unless the processor can appeal to grounds of exception. In the context of the processing of your particular/exceptional Personal data the Foundation can invoke the circumstance that the processing of this data is necessary for the initiation, execution and substantiation of legal proceedings against the abovementioned parties (article 9 (1) (f) GDPR).

The Foundation does not use any form of automated decision making and/or profiling.

#### **7. With whom is Personal data shared?**

Exclusively for the benefit of representation of the interests of those who joined the Foundation and the Support Group and in as far is necessary to attain the set targets, the Foundation will provide Personal data to its partners – amongst which processors. These partners are those parties with which the Foundation cooperates whilst representing your interests, a.o. Foreign Counsel, Dutch lawyers and possibly experts. Additionally the Foundation may share with Bayer et al. your Personal data in view of legal proceedings or negotiations on a settlement. The Foundation will make use of anonymised data wherever reasonably possible.

The Foundation only shares Personal data with third parties after having come to an agreement with these third parties to ensure that your Personal data is kept confidential and is being processed in a meticulous, safe way in accordance with the GDPR. In case the Foundation brings in processors it will enter into a contract with these processors in order to safeguard a correct processing of data.

#### **8. Will my Personal data be passed on to countries outside the European Economic Area?**

Yes, it is possible that your Personal will be passed on to countries outside the European Economic Area (EEA). Part of the EEA are all EU countries plus Norway, Liechtenstein and Iceland. For the passing on of Personal data outside these countries additional rules apply based on the GDPR.

The Foundation will only pass on your Personal data to parties located in countries outside the EEA if this passing on was subject to adequate guarantees based on the GDPR or in case the GDPR offers a specific ground for passing on. In this context the Foundation uses standard contractual clauses determined by a supervising authority (article 46 (2) (d) GDPR). Furthermore, the processing is necessary for the initiation, execution and substantiation of legal

proceedings (article 49 (1) (e) GDPR). A copy of the suitable safeguards can be obtained from the Foundation via: [privacy@essureclaimsnetherlands.com](mailto:privacy@essureclaimsnetherlands.com).

#### **9. How long will we store your data?**

We will not store your Personal data any longer than is strictly necessary for the purposes for which we collected your Personal data. With the exception of a statutory retention period we use the following retention periods:

**First name and surname, preposition, title, address, place and country of residence, email address and telephone number** will be stored for a maximum of 24 months after research of the Foundation and/or the legal proceedings initiated on your behalf by the Foundation, are finalised or if a settlement has been reached;

**Date of birth, medical data, document numbers, financial data, data regarding insurance for legal assistance and all other personal data which is at the Foundation's disposal** will be stored for a maximum of 6 months after research of the Foundation and/or the legal proceedings initiated on your behalf by the Foundation, are finalised or if a settlement has been reached;

You can make a request to the Foundation to remove your Personal data at an earlier date. In case the Personal data is no longer necessary for the ends for which the Foundation gathered the Personal data or processed in any other way, the Foundation will heed your request and delete the Personal data at its earliest convenience.

#### **10. What are your rights?**

You have the right to request the Foundation to give you access to your Personal data that is processed by the Foundation, rectify Personal data (for instance complement, improve or change data), delete Personal data and/or limit the processing of your Personal data. Additionally you have the right to obtain your Personal data in a structured and commonly used electronic form.

A request for access and/or adjustment can be sent by email to the Foundation: [privacy@essureclaimsnetherlands.com](mailto:privacy@essureclaimsnetherlands.com).

In as far as your Personal data is processed on the basis of legitimate interests, you are entitled to object to this processing. Such an objection can be made in writing by sending an email to the Foundation: [privacy@essureclaimsnetherlands.com](mailto:privacy@essureclaimsnetherlands.com).

In conclusion, you have the right to file a complaint with the Nederlandse Autoriteit Persoonsgegevens (Dutch Data Protection Authority). Based on article 21 lid 1 GDPR filing of a complaint will lead to the Foundation discontinuing the processing of Personal data, unless we have compellingly legitimate grounds for the processing that weigh more heavily than your interests, rights and freedom or that are connected to the initiation, execution and substantiation of legal proceedings, such as the one against Bayer et al.

#### **11. What about the security of my Personal data?**

The Foundation has set up appropriate technical and organisational measures to ensure the protection of your Personal data, against loss, unauthorised access or any form of unlawful processing. The access to your Personal data will be restricted to those who are, on behalf of The Foundation, involved in representing your interests. The people that have access to your Personal data are under contractual obligation to keep your Personal data confidential. Additionally, the lawyers involved are bound by confidentiality as a result of their professional secrecy as well as by their specific professional rights under law.

## **12. Amendments**

We reserve the right to amend this Privacy Statement at any moment. In case of an amendment we will inform you by means of an announcement on the Website and/or an email to your registered email address.

## **13. Contact**

In case you have any queries or remarks about the processing of your Personal data, please direct yourself to the Stichting Essure Claims [via privacy@essureclaimsnetherlands.com](mailto:via_privacy@essureclaimsnetherlands.com).