



## NanoSynex Privacy Policy

Last Updated: February 17, 2022

NanoSynex (“**NanoSynex**”, “**we**”, “**our**” or the “**Company**”, and their cognates) respects the privacy of the individuals who take part in its clinical studies (the “**Study Participants**”), and of any other individuals whose data is collected or otherwise processed by Company (together with the Study Participants, the “**Data Subjects**”, “**you**”), and we are committed to protecting personal information that is shared with NanoSynex.

NanoSynex is developing an Antimicrobial Susceptibility Testing (AST) platform to diagnose bacterial resistance and susceptibility to antibiotics and prescribe personalised antibiotic treatment in record time. NanoSynex’s activities involve research and development, clinical validation and clinical studies (each a “**Study**”) of which the Company is the Sponsor. Contract Research Organizations (the “**CRO**”)s will recruit participants for the Study and one or more investigators (each an “**Investigator**”) will run the Study at one or more sites such as a hospital or clinic (each a “**Site**”)

This policy and notice (the “**Privacy Policy**”) applies to our EU data subjects and explains the types of information we may collect from you in connection with the Study, or that our Processors (defined below) may collect from you on our behalf, or you may provide us with such data in the course of interacting with us. We are transparent about our practices regarding the information we may collect, use, maintain and process and describe our practices in this policy and notice. Please read the following carefully to understand our practices regarding your personal data and how we will treat it.

For the purposes of European Economic Area data protection law, (the “**Data Protection Law**”), NanoSynex will usually be a data controller (the “**Controller**”) in relation to the personal data of Study Participants. The CROs, the Investigators and the Sites are data processors on behalf of NanoSynex; various technology providers, analysts and others will also be processors of the personal data (each a “**Processor**”) on behalf of NanoSynex. We are also the Data Controller for data provided through contracts and business arrangements for the Study, such as contracts with the Sites and CROs. We are the Data Controllers for any data provided to us through our website ([www.nanosynex.com](http://www.nanosynex.com)).

### 1. WHICH INFORMATION MAY WE COLLECT? HOW DO WE COLLECT IT?

*Summary: We collect data about you in connection with the Study, which includes personal details and health data. Our Processors collect this data on our behalf by asking you for it and by monitoring your health throughout the Study.*

We collect data about you in connection with the Study and your transactions with us; we collect this data directly from you or, particularly in connection with the Study, our Processors will collect that on our behalf.

One type of data is non-identifiable and anonymous information (“non-personal data”). We also collect, or our processors collect on our behalf, several categories of personal data (“**Personal Data**”).

We elaborate here on two categories of Personal Data we may collect from you or that may be collected from you on our behalf.

#### **Data we collect about you from your transactions with us:**

For business contacts, website visitors and others who send their data to us in order to be in touch with us: We collect Personal Data provided consciously and voluntarily by you, or by an organization



you represent or are associated with. This includes your name (first and last), email address, phone numbers, picture, postal address, position and organization name and other information you choose to provide to NanoSynex.

You do not have any legal obligation to provide any information to NanoSynex, however, we require certain information in order to perform our contracts. If you choose not to provide us with certain information, then we may not be able to enter into a contract with you or your organization.

NanoSynex may also collect the email addresses of people who communicate with NanoSynex via email or through our website. We collect Personal Data required to enter into a business relationship when you register interest and/or submit request that we contact you.

**For Study Participants, Personal Data is collected on our behalf by our Processors:** Our Processors collect your Personal Data, when you provide them such information by entering it manually or automatically. They also collect your Personal Data when you undergo medical assessments at a Site and during the course of the Study.

The CROs, the Sites and the Investigators collect and process the personal data of Study Participants on our behalf. This includes Study Participants' names, ID, postal address, email address, phone numbers as well as broad demographic data such as gender and age. This also includes health data, which is a special category of personal data, including also disease history, treatment history, sampling method, and data collected directly from the data subjects both orally, and in writing, as well as in the course of tests. It also includes biological samples taken in the Study, as detailed in the Study protocol and in the informed consent form. Bacteria identification is planned for future phases of the research. This will identify what strain of bacteria is found in patients. All this personal data will be transferred, stored and analyzed, including in particular investigation of the efficacy of various antimicrobial materials in light of the other variables and especially the variety of bacteria identified in the samples. This personal data will be collected by the Sites and Investigators and CROs on behalf of Company.

The Investigators will transfer the health data to NanoSynex in pseudonymized form. This means that NanoSynex will only receive health metrics and will not have access to the names of the Study Participants or to any other information that would allow NanoSynex to identify the data subjects in the Study. The Investigators will retain the key to the pseudonymization and will not share it with NanoSynex.

## 2. WHAT ARE THE PURPOSES OF PERSONAL DATA WE COLLECT? WHAT ARE THE LAWFUL BASES FOR PROCESSING?

*Summary: We process Personal Data on a number of different lawful bases, including contract, legitimate interest, legal obligation, and scientific research.*

- (i) We process Personal Data in connection with the Study on the basis of our legitimate interest to conduct scientific research (GDPR Article 6(1)(f)) and special-category health data on the basis of scientific research (GDPR Article 9(2)(j)). We do this through questionnaires and/or your Personal Data collected by the Investigators during the Study as detailed above. To the extent that we conduct the Study in a location in which consent is required for collection of health data, we will do so based on explicit consent (GDPR Article 9(2)(a)).

The Purpose of the Personal Data that we collect and that our Processors collect on our behalf is to conduct a clinical Study to generate safety and performance data.



- (ii) We and our Processors process Personal Data necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into a contract (GDPR Article 6(1)(b)). We do this by:
  - Contacting you to assess your eligibility to participate in the Study;
  - Collecting, processing and transferring your Personal Data (in pseudonymized form) to our sub-processors in order to analyze the results of the Study;
  - Carrying out our obligations arising from any contracts entered into between you or your employer or organization and NanoSynex and/or any contracts entered into with NanoSynex, including paying Studying Participants, Investigators, Site staff and CROs and other contractual obligations;
  
- (iii) We process Personal Data on the basis of legitimate interests of ours, of our data subjects or of a third party (GDPR Article 6(1)(f)) including:
  - tracking effectiveness of clinical processes to enable us to optimize them;
  - marketing.
  
- (iv) We process Personal Data where it is necessary for compliance with a legal obligation to which we are subject (GDPR Article 6(1)(c)):
  - compliance and audit purposes, such as meeting our reporting obligations in our various jurisdictions, and for crime prevention and prosecution in so far as it relates to our staff, facilities etc.;
  - if necessary, we will use personal data to enforce our terms, policies and legal agreements, to comply with court orders and warrants and assist law enforcement agencies as required by law, to collect debts, to prevent fraud, infringements, identity thefts and any other service misuse, and to take any action in any legal dispute and proceeding;
  - for security purposes and to identify and authenticate your access to the parts of the facilities;
  - we may collect personal data of our business partners' personnel, which will be used for the purposes set out above.

### 3. SHARING DATA WITH THIRD PARTIES

*Summary: We share your Personal Data with third parties in order to carry out the Study. We take steps to ensure that those third parties treat your data appropriately, including in most cases, by sharing data in a pseudonymized form.*

We transfer Personal Data to third parties in a variety of circumstances. We take steps to ensure that these third parties use your information only to the extent necessary to perform their functions, and to have a contract in place with them to govern their processing on our behalf. These third parties assist us in collecting the Personal Data, carrying out the Study, analysing data, providing IT and other support services or in other tasks, from time to time.

For marketing and business management, we transfer data to analytics and search engine providers that assist us in the improvement and optimisation of our marketing, to other business services and IT providers.

For Study data, these third parties include the Sites, Investigators and CROs. NanoSynex will only receive pseudonymized data and we will not be able to identify you from this data. Likewise, the Personal Data we share with third parties will generally be pseudonymized.



We periodically add and remove third party providers. At present, our third-party providers to whom we may transfer personal data include also the following:

- The CROs
- The Investigators
- The Sites
- IT support staff, electronic data base providers and electronic storage processors
- Our lawyers, accountants, local payroll service providers, other standard business service providers
- Other industry standard business software and partners.

In addition, we will disclose your Personal Data to third parties if some or all of our company or assets are acquired by a third party including by way of a merger, share acquisition, asset purchase or any similar transaction, in which case Personal Data may be one of the transferred assets. Likewise, we will transfer Personal Data to third parties if we are under a duty to disclose or share your Personal Data in order to comply with any legal or audit or compliance obligation, in the course of any legal or regulatory proceeding or investigation, or in order to enforce or apply our terms and other agreements with you or with a third party; or to assert or protect the rights, property, or safety of NanoSynex, our or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and to prevent cybercrime.

For avoidance of doubt, NanoSynex may transfer and disclose non-personal data to third parties at its own discretion.

#### 4. WHERE DO WE STORE YOUR DATA?

We store your Personal Data in servers owned or controlled by NanoSynex, or processed by third parties on behalf of NanoSynex, by reputable cloud-service providers in the US and abroad (see the following section regarding international transfers) such as Google Workspace.

#### 5. INTERNATIONAL DATA TRANSFERS

*Summary: We transfer your Personal Data outside of the EEA to fulfil the purposes set out above. We will take all reasonable steps to ensure that your Personal Data is subject to appropriate safeguards, and that it is treated securely and in accordance with this privacy policy.*

Personal Data is transferred to, and stored and used at, a destination outside the European Economic Area (EEA) that is not subject to equivalent Personal Data protection laws to those of the EU. Where your Personal Data is transferred outside of the EEA, we will take all steps reasonably necessary to ensure that your Personal Data is subject to appropriate safeguards, and that it is treated securely and in accordance with this privacy policy. NanoSynex transfers data to other jurisdictions as follows:

- To Israel which is subject to an adequacy decision from the European Commission
- To the United States of America. All Personal Data transfers to the US are subject to Data Protection Agreements which contain the European Commission's Standard Contractual Clauses.

We may transfer your Personal Data outside of the EEA, in order to fulfil the purposes described in section 2 above; including in particular the following:

- store or backup the information;



- enable us and our Processors to analyse the clinical results of the Study;
- fulfill any legal, audit, ethical or compliance obligations which require us to make that transfer.

## 6. DATA RETENTION

*Summary: We retain Personal Data connected to the Study in accordance with applicable regulations and standard industry practice. Personal Data that is no longer required will be anonymized or deleted.*

NanoSynex will retain Personal Data related to the Study in accordance with applicable regulations and standard industry practice. NanoSynex may, at its discretion, require its Processors to permanently delete all the Personal Data they process on behalf of NanoSynex.

NanoSynex will retain Personal Data other than of Study Participants for as long as required in our view, to comply with our contractual, legal and other obligations, to resolve disputes and to enforce agreements. We will also retain Personal Data to meet any audit, compliance and business best-practices.

Personal Data that is no longer retained will be anonymized or deleted. Likewise, some metadata and statistical information concerning the use of our services are not subject to the deletion procedures in this policy and may be retained and used by NanoSynex. We will not be able to identify you from this data. Some data may also be retained on our third-party service providers' servers until deleted in accordance with their privacy policy and their retention policy, and in backups until overwritten according to schedule.

## 7. SECURITY AND STORAGE OF INFORMATION

*Summary: We implement and enforce strong security measures to protect your Personal Data.*

We take great care in implementing, enforcing and maintaining the security of the Personal Data we process. We utilise systems such as Google Workspace that have industry standard security features. All files are encrypted with 256 bit strength. We require that our Processors who collect and process your Personal Data on our behalf take similar steps to enforce and maintain security measures.

Note however, that no data security measures are perfect or impenetrable, and we cannot guarantee that unauthorized access, leaks, viruses and other data security breaches will never occur. Within NanoSynex, we limit access to Personal Data to those of our personnel who: (i) require access in order for NanoSynex to fulfil its obligations, including also under its agreements, and as described in this Privacy Policy, and (ii) have been appropriately and periodically trained with respect to the requirements applicable to the processing, care and handling of the Personal Data, and (iii) are under confidentiality obligations as may be required under applicable law.

NanoSynex shall act in accordance with its policies and with applicable law to promptly notify the relevant authorities and Data Subjects in the event that any Personal Data processed by NanoSynex is lost, stolen, or where there has been any unauthorized access to it, all in accordance with applicable law and on the instructions of qualified authority. NanoSynex shall promptly take reasonable remedial measures.

## 8. DATA SUBJECT RIGHTS

*Summary: Data Subjects in the EU have rights to data portability, rights to access data, rectify data, object to processing and erase data and other rights, all depending on various circumstance.*



Data Subjects with respect to whose data GDPR applies, have rights under GDPR and local laws, including, in different circumstances, rights to data portability, rights to access data, rectify data, object to processing, and erase data. It is clarified for the removal of doubt, that Data Subject rights cannot be exercised in a manner inconsistent with the rights of NanoSynex employees and staff, with NanoSynex proprietary rights, and third-party rights. In addition, these rights may not be exercisable where they relate to data that is not in a structured form, for example emails, or where other exemptions apply. If processing occurs based on consent, Data Subjects generally have a right to withdraw their consent. Although Data Subjects consent to take part in the Study, their Personal Data is not generally processed in reliance on their consent (unless, as above, required in the jurisdiction of the relevant Site), but on the basis of GDPR Article 9(2)(j) scientific research, and Personal Data that forms part of the Study may not be modified or deleted.

Where NanoSynex is the Controller, a Data Subject who wishes to modify, delete or retrieve their Personal Data, or otherwise wishes to make an enquiry or submit a complaint in connection with data privacy, may do so by contacting NanoSynex by email ([privacy@nanosynex.com](mailto:privacy@nanosynex.com)). For Data Subjects, note that NanoSynex does not have identifying data about participants, and any data subject rights need to be exercised through the relevant Site or CRO, and not directly through NanoSynex.

Note that NanoSynex may have to undertake a process to identify a Data Subject exercising their rights. NanoSynex may keep details of such rights exercised for its own compliance and audit requirements. Where relevant, NanoSynex will require its Processors to act in accordance with the Data Subject access request. Please note that Personal Data may be either deleted or retained in an aggregated manner without being linked to any identifiers or Personal Data, depending on technical commercial capability. Such information may continue to be used by NanoSynex.

Data Subjects in the EU have the right to lodge a complaint with a data protection supervisory authority in the place of their habitual residence. If the supervisory authority fails to deal with a complaint, you may have the right to an effective judicial remedy.

## 9. GENERAL

**Minors.** We do not knowingly collect or solicit information or data from or about children under the age of 18. Participants in the Study are only eligible if age 18 or older. If we learn that we have collected or have been sent Personal Data from a child under the age of 18, we will delete that Personal Data as soon as reasonably practicable without any liability to NanoSynex. If you believe that we might have collected or been sent information from a minor under the age of 18, please contact us at: [privacy@Nanosynex.com](mailto:privacy@Nanosynex.com), as soon as possible.

NanoSynex may amend or update this Privacy Policy from time to time. The most current version of this Privacy Policy will be available at: <https://www.nanosynex.com>. Changes to this Privacy Policy are effective as of the stated "Last Revised" date and your continued collaboration with NanoSynex will constitute your active acceptance of the changes to and terms of the Privacy Policy.

Our policies and practices are constantly evolving and improving, and we invite any suggestions for improvements, questions or comments concerning this Privacy Policy, you are welcome to contact us (details below) and we will make an effort to reply within a reasonable timeframe.

NanoSynex contact details: NanoSynex's data protection officer may be contacted at [privacy@nanosynex.com](mailto:privacy@nanosynex.com).

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