

# Novartis – General Privacy Notice for Business Partners

December 2020

This Privacy Notice is addressed to:

- the healthcare professionals with whom we create or maintain a relationship;
- our customers or prospects who are natural persons (such as self-employed pharmacists);
- the representatives or contact persons of our customers or prospects who are legal entities (such as wholesale pharmacists).

You are receiving this Privacy Notice because Novartis is processing information about you which constitutes “**personal data**” and Novartis considers the protection of your personal data and privacy a very important matter.

Novartis is responsible for the processing of your personal data as it decides why and how it is processed, thereby acting as the “**controller**”. In this Privacy Notice, “**we**” or “**us**” refers to Novartis.

We invite you to carefully read this Privacy Notice, which sets out in which context we are processing your personal data and explains your rights and our obligations when doing so.

Should you have any further question in relation to the processing of your personal data, we invite you to contact [dsgvo.de@sandoz.com](mailto:dsgvo.de@sandoz.com).

## 1 What information do we have about you?

This information may either be directly provided by you, by our business partners (i.e. the legal entity for whom you work), by third parties (e.g. medical agencies) or be obtained through trusted publicly available sources (such as PubMed, Clinical Trials.gov, congress websites or university websites), having obtained your consent to provide us with such personal data where necessary under applicable law. We collect various types of personal data about you, including:

- your general and identification information (e.g. name, first name, last name, gender, email and/or postal address, fixed and/or mobile phone number);
- your function (e.g. title, position, name of company, as well as, for healthcare professionals, first specialty, second specialty, year of graduation from medical school, publications, congress activities, awards, biography, education, links to universities, expertise and participation in/contribution to clinical trials, guidelines, editorial boards and organizations);
- payment information (e.g. credit card details, bank account details, VAT or other tax identification number);
- Novartis unique business partner ID and profile;
- your electronic identification data where required for the purpose of delivering products or services to our company (e.g. login, access right, passwords, badge number, IP address, online identifiers/cookies, logs, access and connexion times, image recording or sound such as badge pictures, CCTV or voice recordings);
- information regarding your preferences including in terms of channels of communication and frequency;

- data you provide to us for example when you fill in forms or during events you attend, or when you answer questions in a survey;
- data which relate to our products and services; and
- information about the scientific and medical activities/interactions you have with us, including potential future interactions.

If you intend to provide us with personal data about other individuals (e.g. your colleagues), you must provide a copy of this Privacy Notice to the relevant individuals, directly or through their employer.

## **2 For which purposes do we use your personal data and why is this justified?**

### **2.1 Legal basis for the processing**

We will not process your personal data if we do not have a proper justification foreseen in the law for that purpose. Therefore, we will only process your personal data if:

- we have obtained your prior consent;
- the processing is necessary to perform our contractual obligations towards you or to take pre-contractual steps at your request;
- the processing is necessary to comply with our legal or regulatory obligations; or
- the processing is necessary for our legitimate interests and does not unduly affect your interests or fundamental rights and freedoms.

Please note that, when processing your personal data on this last basis, we always seek to maintain a balance between our legitimate interests and your privacy. Examples of such 'legitimate interests' are data processing activities performed:

- to benefit from cost-effective services (e.g. we may opt to use certain platforms offered by suppliers to process data);
- to offer our products and services to our customers;
- to prevent fraud or criminal activity, misuses of our products or services as well as the security of our IT systems, architecture and networks;
- to sell any part of our business or its assets or to enable the acquisition of all or part of our business or assets by a third party; and
- to meet our corporate and social responsibility objectives.

### **2.2 Purposes of the processing**

We always process your personal data for a specific purpose and only process the personal data which is relevant to achieve that purpose. In particular, we process your personal data for the following purposes:

- manage our relationship with you (e.g. through our databases);
- implement tasks in preparation of or to perform existing contracts;
- evidence transactions;

- provide you with adequate and updated information about disease, drugs as well as our products and services;
- improve the quality of our services by adapting our offering to your specific needs;
- answer your requests and provide you with efficient support;
- send you surveys (e.g. to help us improve your future interactions with us);
- send you communications regarding products or services that we promote;
- manage communications and interactions with you (e.g. through the operation of a database keeping records of interactions with healthcare professionals or managing call planning as well as call reporting);
- track our activities (e.g. measuring interactions or sales, number of appointments/calls);
- invite you to events or promotional meetings sponsored by us (e.g. medical events, speaker events, conferences);
- grant you access to our training modules allowing you to provide us with certain services;
- manage our IT resources, including infrastructure management and business continuity;
- preserve the company's economic interests and ensure compliance and reporting (such as complying with our policies and local legal requirements, tax and deductions, managing alleged cases of misconduct or fraud; conducting audits and defending litigation);
- manage mergers and acquisitions involving our company;
- archiving and record keeping;
- billing and invoicing; and
- any other purposes imposed by law and authorities.

### **3 Who has access to your personal data and to whom are they transferred?**

We will not sell, share, or otherwise transfer your personal data to third parties other than those indicated in this Privacy Notice.

In the course of our activities and for the same purposes as those listed in this Privacy Notice, your personal data can be accessed by or transferred to the following categories of recipients, on a need to know basis to achieve such purposes:

- our personnel (including personnel, departments or other companies of the Novartis group);
- our independent agents or brokers (if any);
- our suppliers and services providers that provide services and products to us;
- our IT systems providers, cloud service providers, database providers and consultants;

- our business partners who offer products or services jointly with us or with our subsidiaries or affiliates;
- any third party to whom we assign or novate any of our rights or obligations; and
- our advisors and external lawyers in the context of the sale or transfer of any part of our business or its assets.

The above third parties are contractually obliged to protect the confidentiality and security of your personal data, in compliance with applicable law.

Your personal data can also be accessed by or transferred to any national and/or international regulatory, enforcement, public body or court, where we are required to do so by applicable law or regulation or at their request.

The personal data we collect from you may also be processed, accessed or stored in a country outside the country where Novartis is located, which may not offer the same level of protection of personal data.

If we transfer your personal data to external companies in other jurisdictions, we will make sure to protect your personal data by (i) applying the level of protection required under the local data protection/privacy laws applicable to Novartis, (ii) acting in accordance with our policies and standards and, (iii) for Novartis located in the European Economic Area (i.e. the EU Member States plus Iceland, Liechtenstein and Norway, the "EEA"), unless otherwise specified, only transferring your personal data on the basis of standard contractual clauses approved by the European Commission. You may request additional information in relation to international transfers of personal data and obtain a copy of the adequate safeguard put in place by exercising your rights as set out in Section 6 below.

For intra-group transfers of personal data to our group companies (which you can identify by clicking this link [https://www.novartis.com/our-company/contact-us/office-locations?tid=All&name\\_list=DE](https://www.novartis.com/our-company/contact-us/office-locations?tid=All&name_list=DE), the Novartis Group has adopted Binding Corporate Rules, a system of principles, rules and tools, provided by European law, in an effort to ensure effective levels of data protection relating to transfers of personal data outside the EEA and Switzerland. Read more about the Novartis Binding Corporate Rules by clicking here <https://www.novartis.com/privacy-policy/novartis-binding-corporate-rules-bcr>.

#### **4 How do we protect your personal data?**

We have implemented appropriate technical and organisational measures to provide an adequate level of security and confidentiality to your personal data.

These measures take into account:

- (i) the state of the art of the technology;
- (ii) the costs of its implementation;
- (iii) the nature of the data; and
- (iv) the risk of the processing.

The purpose thereof is to protect it against accidental or unlawful destruction or alteration, accidental loss, unauthorized disclosure or access and against other unlawful forms of processing.

Moreover, when handling your personal data, we:

- only collect and process personal data which is adequate, relevant and not excessive, as required to meet the above purposes; and
- ensure that your personal data remains up to date and accurate.

For the latter, we may request you to confirm the personal data we hold about you. You are also invited to spontaneously inform us whenever there is a change in your personal circumstances so we can ensure your personal data is kept up-to-date.

## **5 How long do we store your personal data?**

We will only retain your personal data for as long as necessary to fulfil the purpose for which it was collected or to comply with legal or regulatory requirements.

Personal data we hold in our database about you which is not related to a specific contract will be stored for 24 months after your last interaction with us.

For contracts, the retention period is the term of your (or your company's) contract with us, plus the period of time until the legal claims under this contract become time-barred, unless overriding legal or regulatory schedules require a longer or shorter retention period. When this period expires, your personal data is removed from our active systems.

Personal data collected and processed in the context of a dispute are deleted or archived (i) as soon as an amicable settlement has been reached, (ii) once a decision in last resort has been rendered or (iii) when the claim becomes time barred.

## **6 What are your rights and how can you exercise them?**

You may exercise the following rights under the conditions and within the limits set forth in the law:

- the right to access your personal data as processed by us and, if you believe that any information relating to you is incorrect, obsolete or incomplete, to request its correction or updating;
- the right to request the erasure of your personal data or the restriction thereof to specific categories of processing;
- the right to withdraw your consent at any time, without affecting the lawfulness of the processing before such withdrawal;
- the right to object, in whole or in part, to the processing of your personal data;
- the right to object to a channel of communication used for direct marketing purposes; and
- the right to request its portability, i.e. that the personal data you have provided to us be returned to you or transferred to the person of your choice, in a structured, commonly used and machine-readable format without hindrance from us and subject to your confidentiality obligations.

If you have a question or want to exercise the above rights, you may send an email to [dsgvo.de@sandoz.com](mailto:dsgvo.de@sandoz.com).

If you have any other question on how we process your personal data, please send an email to [datenschutz@novartis.com](mailto:datenschutz@novartis.com) or a letter at Novartis Business Services GmbH, Datenschutzbeauftragter, Industriestraße 25, 83607 Holzkirchen. If we have doubts concerning your identity we may, as the case may be, ask you to provide us with a scan of your identity card, whereas not required information may be blacked out (Art. 12 (6) GDPR).

In any case, you also have the right to file a complaint with the competent data protection authorities, in addition to your rights above.

## **7 Information on Joint Controllership**

If you have given Hexal AG and 1 A Pharma GmbH joint advertising consent, we, i.e. Hexal AG and 1 A Pharma GmbH, will store your personal data in a jointly operated CRM system. For this reason, we concluded a separate agreement to specify which of us takes care of which data protection obligations. The agreement refers in particular to the exercise of your data protection rights. This is primarily the responsibility of Hexal AG which can alter the content of the CRM system. Of course, you can exercise your data protection rights in respect of and against each of us.

## **8 How will you be informed of the changes to our Privacy Notice?**

Any future changes or additions to the processing of your personal data as described in this Privacy Notice will be notified to you in advance through an individual notice through our usual communication channels (e.g. by email or via our internet websites).