

FOUNDATION MEDICINE

VENDOR PRIVACY NOTICE

Effective Date: May 23, 2022

Last Modified: April 9, 2024

This Vendor Privacy Notice (this "**Vendor Privacy Notice**") describes the types of personal data that Foundation Medicine GmbH ("**FMI GmbH**") and Foundation Medicine, Inc. ("**FMI Inc.**", and together with FMI GmbH, "**FMI**", "**we**" or "**our**") collect when you or the company you work or act for ("**Your Company**") do business with FMI, how we use such personal data and your statutory rights in that regard.

1. **WHO IS RESPONSIBLE FOR PROCESSING MY PERSONAL DATA? HOW CAN I CONTACT FMI?**

FMI GmbH and FMI Inc. as separate and individual controllers within the meaning of the EU General Data Protection Regulation ("**GDPR**") are responsible for processing your personal data. You can contact us at any time using the following contact details:

Foundation Medicine GmbH, Nonnenwald 2, 82377 Penzberg, Germany; Phone: +49 (8856) 905-3700

Contact information of FMI GmbH's data protection officer: dpo.fmi-germany@foundationmedicine.com; Phone: +49 (8856) 905-3715

Foundation Medicine, Inc., 400 Summer Street, Boston, MA 02210, USA; Phone: +1 (888) 988-3639

Contact information of FMI Inc.'s data protection officer: dpo.fmi-cambridge@foundationmedicine.com; Phone: +1 (617) 418-2200

2. **WHICH PERSONAL DATA ABOUT ME WILL BE PROCESSED?**

We use the personal data you or Your Company provide(s) to us in connection with any business-related interaction between you or Your Company and FMI, regardless of whether the information is provided verbally (e.g., by telephone) or in writing (e.g., by email, fax, letter, SMS). We may collect, in particular, the following categories of personal data: first and last name; business telephone number; fax number; email address and other business contact information; job title; and content of written communication (correspondence by email, letter, fax, etc.).

3. **FOR WHICH PURPOSES AND ON WHICH LEGAL BASIS WILL MY DATA BE PROCESSED?**

We process your data for the following purposes ("**Processing Purposes**"):

- To enter into and/or perform a contract with you or Your Company. We process your personal data to the extent the processing is necessary for the performance of a contract with FMI to which you are party or in order to take steps at your request prior to entering a contract between you and FMI (Art. 6(1)(b) GDPR), or for the purposes of our legitimate interest in establishing and performing a contract between Your Company and FMI (Art. 6(1)(f) GDPR);
- To communicate with you or Your Company in the context of the establishment or performance of our business relationships with you or Your Company to the extent this is necessary for the purposes of our legitimate interest in ensuring efficient communication with you and/or Your Company (Art. 6(1)(f) GDPR);

- To carry out a vendor due diligence and evaluation. We process your personal data to the extent the processing is necessary for our legitimate interest in complying with legal requirements, in particular with obligations under applicable data protection laws and regulations (Art. 6(1)(f) GDPR); and
- To the extent necessary for ensuring compliance with applicable statutory retention and other obligations of FMI GmbH, in particular according to sec. 257 of the German Commercial Code (*Handelsgesetzbuch* – HGB) and sec. 147 German Tax Code (*Abgabenordnung* – AO) (Art. 6(1)(c) GDPR) and to the extent necessary for purposes of our legitimate interests in ensuring and documenting compliance with applicable laws and in establishing, exercising and/or defending our legal claims (Art. 6(1)(f) GDPR).

4. **AM I OBLIGED TO PROVIDE MY DATA?**

You are neither contractually nor legally obliged to provide your personal data as indicated above. However, if you do not provide certain data to us, we may, under certain circumstances, be unable to comply with our obligations and/or perform the contract with you or Your Company as contemplated by the parties.

5. **WITH WHOM IS MY PERSONAL DATA SHARED?**

We do not sell or otherwise disclose personal data we collect about you, except as described in this Vendor Privacy Notice.

- FMI Inc.: FMI GmbH may share your personal data with its parent company, i.e., FMI Inc., when it is necessary for achieving the Processing Purposes.
- FMI GmbH: FMI Inc. may share your personal data with its subsidiary, i.e., FMI GmbH, when it is necessary for achieving the Processing Purposes.
- Service providers: We cooperate with third parties, such as technical service providers that perform services and process data, some of which is personal data, according to our instructions for the Processing Purposes. The service providers belong to the following categories: *data base hosting providers, data analytics services, digital workflow services, electronic collaboration workspace services, personal information manager software systems, business spend management services and accounting software services.*
- Authorities: To the extent that we believe it is required by law or necessary to respond in the course of legal proceedings, we may also share your personal data with local or foreign government authorities, supervisory authorities, law enforcement authorities, courts and tribunals.
- Potential asset purchasers: If we sell or transfer assets or are otherwise involved in a merger or business/asset transfer or company restructuring, we may transfer your personal data to one or more third parties as part of such transaction or restructuring, provided there is a legal basis for doing so.
- Other categories of recipients: We also may disclose information about you (i) if we are required to do so by law, regulation or legal process (such as a court order or subpoena), (ii) in response to requests by government agencies, such as law enforcement authorities, or (iii) when we believe disclosure is necessary or appropriate to prevent physical harm or financial loss, or in connection with an investigation of suspected or actual fraudulent or illegal activity.

6. **IS MY PERSONAL DATA STORED AND PROCESSED OUTSIDE THE EU/EEA?**

Some of the recipients we share your personal data with (as described in Section 5) are located in countries outside the EU/EEA ("**Third Countries**"), in particular, where FMI GmbH shares your data with FMI Inc. in the USA, that are not regarded as providing the same level of protection for personal data as provided by the data protection laws of the European Union. We have put in place appropriate safeguards (such as EU standard contractual clauses) in accordance with applicable legal requirements to provide adequate protections for your personal data. For more information on the appropriate safeguards in place, the concerned Third Countries, and to obtain a copy of such safeguards, please contact us at the contact information set above under Section 1.

7. **FOR HOW LONG WILL MY PERSONAL DATA BE STORED?**

We will store your data only for the period necessary to fulfill the Processing Purposes for which we have collected and processed your personal data as outlined in this Vendor Privacy Notice *i.e.*, principally until the end of the business relationship between FMI and you or Your Company. After the applicable storage period has expired, your data will be deleted in accordance with our data retention policy, unless statutory retention obligations preclude this or prolonged storage is necessary in the specific individual case for the purposes of our legitimate interests (*i.e.*, interest in fulfilling our legal obligations and the necessity of processing for the establishment, exercise or defense of legal claims).

8. **WHICH RIGHTS DO I HAVE AND HOW CAN I EXERCISE THEM?**

Subject to applicable statutory data protection laws, you have the right:

- To access your personal data as well as to obtain a copy of such personal data (**right of access**);
- To have inaccurate personal data rectified and, taking into account the purpose of the processing, supplement incomplete personal data concerning you (**right of rectification**);
- To have your personal data erased to the extent permitted by applicable data protection law (**right to erasure; "right to be forgotten"**);
- To restrict processing of your personal data to the extent permitted by law (**right to restriction of processing**); and
- To receive personal data which you have provided to us in a structured, commonly used and machine-readable format and to transmit such personal data to another controller without restriction by us and, where technically feasible, to have such data transmitted directly from us to another controller to the extent permitted by law (**right to data portability**).

Further, according to applicable statutory data protection laws, you have the right to object, on grounds relating to your particular situation, to the processing of your personal data to the extent permitted by law. If your personal data is processed by us for direct marketing purposes - which is currently neither done nor planned - you can object to the processing for the purpose of such marketing in any case (right to object).

To exercise your rights, you may use the contact details set out above under Section 1. In addition and without prejudice to any other rights, you have the right to lodge a complaint with a supervisory authority.

We encourage you to contact us at the contact information set out above to update or correct your personal data if it changes or if the personal data we have about you is inaccurate. Please note that we may require additional information from you in order to honor any such requests.

9. **HOW CAN THIS VENDOR PRIVACY NOTICE BE CHANGED?**

We may modify or update this Vendor Privacy Notice from time to time. If we make any revisions that materially change the ways in which we process your personal data, we will notify you of these changes before applying them to that personal data.

10. **CALIFORNIA RESIDENT PRIVACY NOTICE (CA ONLY)**

Overview

The California Consumer Privacy Act, as amended by the California Privacy Rights Act and its implementing regulations (collectively, “**CCPA**”), provides California residents (“**you**”) certain rights and requires businesses to make certain disclosures regarding their collection, use, and disclosure of Personal Information. For example, as a California resident, you have the right to know and access what categories of Personal Information FMI collects about you, including Sensitive Personal Information, the sources used for collection, the purposes for which your Personal Information is collected, whether FMI sells or shares your Personal Information with third parties and how long FMI may retain your Personal Information. You also have the right to ask us to correct or delete your Personal Information and to restrict the use of your Sensitive Personal Information. FMI is prohibited from retaliating or discriminating against you for exercising these rights.

Definitions

- “**Personal Information**” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household. Personal Information shall be understood to include “Personal Information” as that term is used under CCPA and includes Sensitive Personal Information.
- “**Sensitive Personal Information**” includes Personal Information that reveals, among other things, social security, driver’s license, state identification card, or passport number; account login, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account; precise geolocation; racial or ethnic origin, citizenship or immigration status, religious or philosophical beliefs, or union membership; the contents of mail, email, and text messages unless FMI is the intended recipient of the communication; and genetic data. Sensitive Personal Information also includes the processing of biometric information for the purpose of uniquely identifying an individual and Personal Information collected and analyzed concerning an individual’s health or sexual orientation.
- “**Sale**” or “**Selling**” means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means an individual’s Personal Information to a third party for monetary or other valuable consideration.
- “**Share**” or “**Sharing**” means sharing, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, an individual’s Personal Information to a third party for cross-context behavioral advertising, whether or not for monetary or other valuable consideration.

Your Rights

- **Right to Know and Access.** You have the right to know and access Personal Information that FMI collects about you, including the sources used for collection and the purposes for which we use your Personal Information.
- **Sources for Personal Information.** FMI utilizes Personal Information that you or Your Company provide(s) to FMI in connection with any business-related interaction between you or Your Company and FMI, which may be provided verbally (e.g., by telephone) or in writing (e.g., by email, fax, letter, SMS, forms or documents). We may collect, in particular, the categories of Personal Information identified below, as applicable to the business relationship.
- **Retention of Personal Information.** FMI retains each of the below categories of Personal Information only as long as necessary to fulfill the legitimate business purposes described herein. FMI retains each of the below categories of Personal Information until the end of the business relationship between FMI and you or Your Company. After that period has expired, your Personal Information will be deleted in accordance with our data retention policy, unless continued storage is needed for the purpose of complying with applicable law.
- **Use of Your Sensitive Personal Information.** FMI does not use Sensitive Personal Information other than as may be needed to fulfill the contract between FMI and you or Your Company.
- **FMI Does Not Sell or Share Your Personal Information.** FMI does not Sell or Share your Personal Information.
- **Right to Correct Personal Information.** If FMI maintains any inaccurate Personal Information about you, you have the right to request that FMI correct your Personal Information.
- **Right to Request Deletion.** You have a right to request that FMI deletes Personal Information we collect from you. However, in certain situations we are not required to delete your Personal Information, for example, when the Personal Information is needed by FMI to comply with laws or for other legitimate business purposes compatible with the context in which the Personal Information was provided.
- **No Retaliation or Discrimination.** FMI is prohibited from retaliating or discriminating against you for exercising your rights.

Categories of Personal Information Collected and Purposes for Collection

CATEGORIES OF PERSONAL INFORMATION COLLECTED	PURPOSES FOR WHICH WE COLLECT & PROCESS PERSONAL INFORMATION
<p>CONTACT INFORMATION</p> <ul style="list-style-type: none"> • Full Name • Address • Phone/Fax number • Email Address • Job Title 	<p>To the extent necessary for the performance of a contract with FMI to which you or Your Company is a party, or in order to take steps at your request prior to entering a contract between you or Your Company and FMI, or for the purposes of FMI's legitimate interest in establishing and performing a contract between you or Your Company and FMI.</p> <p>To communicate with you or Your Company in the context of the establishment or performance of FMI's business relationship with you or Your Company to the extent this is necessary for the purposes of our legitimate interest in ensuring efficient communication with you and/or Your Company.</p>
<p>PAYMENT INFORMATION</p> <ul style="list-style-type: none"> • Social Security Number (SSN) • Full Name • Business Name • Address • Type of Tax classification (Individual/Sole Proprietor, etc.). • Banking Account Information 	<p>To the extent necessary to provide payment for services rendered in connection with a contract between you and/or Your Company and FMI.</p>
<p>SENSITIVE PERSONAL INFORMATION</p> <ul style="list-style-type: none"> • Social Security Number (SSN) • Banking Account Information 	<p>To the extent necessary to provide payment for services rendered in connection with a contract between you and/or Your Company and FMI.</p>
<p>FMI'S GENERAL PROCESSING PURPOSES</p> <p>In addition to the purposes identified above, FMI may use and disclose any and all Personal Information that we collect as necessary or appropriate to:</p> <ul style="list-style-type: none"> • Comply with laws and regulations, including (without limitation) applicable tax, health and safety, anti-discrimination, immigration, labor and employment, and social welfare laws. • Monitor, investigate, and enforce compliance with and potential breaches of FMI policies and procedures and legal and regulatory requirements. • Comply with civil, criminal, judicial, or regulatory inquiries, investigations, subpoenas, or summons. • Exercise or defend the legal rights of FMI and its employees, affiliates, customers, contractors, and agents. • FMI's legitimate business purposes, such as detecting security incidents; protecting against malicious or illegal activity; administrative purposes; or for marketing, internal research, and development purposes. 	

Contact Us | Exercise Your Rights

More information can be found in FMI's Privacy Policy, available at <https://www.foundationmedicine.com/privacy>. If you have any questions regarding this Vendor Privacy Notice or FMI's collection and use of your Personal Information, or would like to exercise your privacy rights, please call 1-888-988-3639 or email us at privacy@foundationmedicine.com. California residents who are unable to review or access this Vendor Privacy Notice due to a disability may contact us at ask.the.people.team@foundationmedicine.com to access this Vendor Privacy Notice in an alternative format.