

# POLYTECH

## Privacy Policy PolyFind! App

Data protection is of a particularly high priority for Polytech Health & Aesthetics GmbH (hereinafter, "POLYTECH"). The use of our App requires the processing of personal data. The processing of personal data, such as the name, address, e-mail address, or telephone number of a data subject shall always be in line with the General Data Protection Regulation (GDPR), and in accordance with the German data protection regulations applicable to Polytech Health & Aesthetics GmbH. By means of this data protection declaration, we would like to inform the general public and particularly the users of the nature, scope, and purpose of the personal data we collect, use and process in connection with the App. Furthermore, data subjects are informed, by means of this data protection declaration, of the rights to which they are entitled.

The app is provided to the user with a free of charge license of use contract. As the Controller, Polytech Health & Aesthetics GmbH has implemented numerous technical and organizational measures to ensure the most complete protection of the personal data processed through this App.

This app is destined exclusively to medical professionals with specific credentials, i.e., specialized doctors who are allowed to perform plastic surgery under the laws of their country, because it contains information about implantable medical devices Class III. As a consequence, among the personal data of the user, POLYTECH requests also such credentials, and stores this information.

The App can be downloaded for free, but may only be activated by using a specific token, in the form of an access code provided to POLYTECH's customers. The Customers' data is previously collected by POLYTECH through its sales network: upon request from the Customers, their data and professional credentials are entered into a prospective users list, and in turn a personal access token is provided to each Customer. The token is necessary to activate the App after download. In case no activation is completed, the Customer's data will be erased in a reasonable time. Upon activation, the User may provide consent to the previous collection of personal data.

### 1. Name and Address of the Controller

Controller for the purposes of the General Data Protection Regulation (GDPR), other data protection laws applicable in Member states of the European Union and other provisions related to data protection is:

Polytech Health & Aesthetics GmbH  
Alzheimer Strasse 32  
64807 Dieburg  
Deutschland  
Phone: +49 (0)6071 9863-0  
Email: digital[at]polytechhealth.com  
Website: www.polytech-health-aesthetics.com

### 2. Name and Address of the Data Protection Officer

The Data Protection Officer of the Controller is contactable:

Polytech Health & Aesthetics GmbH  
DATENSCHUTZBEAUFTRAGTER  
Alzheimer Strasse 32  
64807 Dieburg  
Deutschland  
Email: Datenschutz[at]polytechhealth.com

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Any data subject may, at any time, contact our Data Protection Officer directly with all questions, requests and suggestions concerning data protection.

In addition, you can always contact the regulator responsible for you with a complaint. The supervisory authority in charge will depend on your country of residence, your work, or the alleged violation. A list of the German non-public-sector supervisory authorities can be requested at:

Der Hessische Beauftragte für Datenschutz und Informationsfreiheit  
Postfach 3163  
65021 Wiesbaden  
Germany

### **3. Collection of general data and information**

The App collects a series of general data and information when a data subject is using it. When using these general data and information, Polytech Health & Aesthetics GmbH does not draw any conclusions about the data subject. Rather, this information is needed to (1) deliver the content of our App correctly, (2) optimize the App as well as its advertisement, (3) ensure the long-term viability of our information technology systems and (4) provide law enforcement authorities with the information necessary for criminal prosecution in case of a cyber-attack. Therefore, Polytech Health & Aesthetics GmbH analyzes anonymously collected data and information statistically, with the aim of increasing the data protection and data security of our enterprise, and to ensure an optimal level of protection for the personal data we process. The anonymous data of the log files are stored separately from all personal data provided by a data subject.

### **4. Routine erasure of personal data**

The data Controller shall process and store the personal data of the data subject only for the period necessary to achieve the purpose of storage, which is to allow the user access and use of the App, or as far as this is granted by the European legislator or other legislators in laws or regulations to which the Controller is subject to.

If the storage purpose is not applicable, or if a storage period prescribed by the European legislator or another competent legislator expires, the personal data are routinely erased in accordance with legal requirements.

### **5. Rights of the data subject**

The rights of the data subject are listed in the following paragraphs. If a data subject wishes to avail himself of any of these rights, he or she may, at any time, contact the Data Protection Officer of the Controller. An employee of Polytech Health & Aesthetics GmbH shall promptly ensure that the request is complied with. Requests concerning rights requiring an immediate action will be followed-up immediately.

#### **a) Right of confirmation**

Each data subject shall have the right granted by the European legislator to obtain from the Controller the confirmation as to whether or not personal data concerning him or her are being processed.

#### **b) Right of access**

Each data subject shall have the right granted by the European legislator to obtain from the Controller information free of charge and at any time about his or her personal data stored and a copy of this information. Furthermore, the European directives and regulations grant the data subject access to the following information:

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- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the Controller rectification or erasure of personal data, or restriction of processing of personal data concerning the data subject, or to object to such processing;
- the existence of the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) of the GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the data subject.

Furthermore, the data subject shall have a right to obtain information as to whether personal data are transferred to a third country or to an international organisation. Where this is the case, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer.

## c) Right to rectification

Each data subject shall have the right granted by the European legislator to obtain from the Controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

## d) Right to erasure (Right to be forgotten)

Each data subject shall have the right granted by the European legislator to obtain from the Controller the erasure of personal data concerning him or her without undue delay, and the Controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies, as long as the processing is not necessary:

- The personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed.
- The data subject withdraws consent to which the processing is based according to point (a) of Article 6(1) of the GDPR, or point (a) of Article 9(2) of the GDPR, and where there is no other legal ground for the processing.
- The data subject objects to the processing pursuant to Article 21(1) of the GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) of the GDPR.
- The personal data have been unlawfully processed.
- The personal data must be erased for compliance with a legal obligation in Union or Member State law to which the Controller is subject.
- The personal data have been collected in relation to the offer of information society services referred to in Article 8(1) of the GDPR.

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## e) Right of restriction of processing

Each data subject shall have the right granted by the European legislator to obtain from the Controller restriction of processing where one of the following applies:

- The accuracy of the personal data is contested by the data subject, for a period enabling the Controller to verify the accuracy of the personal data.
- The processing is unlawful and the data subject opposes the erasure of the personal data and requests instead the restriction of their use instead.
- The Controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims.
- The data subject has objected to processing pursuant to Article 21(1) of the GDPR pending the verification whether the legitimate grounds of the Controller override those of the data subject.

If one of the aforementioned conditions is met, and a data subject wishes to request the restriction of the processing of personal data stored by the Polytech Health & Aesthetics GmbH, he or she may at any time contact the Data Protection Officer of the Controller.

## f) Right to data portability

Each data subject shall have the right granted by the European legislator, to receive the personal data concerning him or her, which was provided to the Controller, in a structured, commonly used and machine-readable format. He or she shall have the right to transmit those data to another controller without hindrance from the Controller to which the personal data have been provided, as long as the processing is based on consent pursuant to point (a) of Article 6(1) of the GDPR or point (a) of Article 9(2) of the GDPR, or on a contract pursuant to point (b) of Article 6(1) of the GDPR, and the processing is carried out by automated means, as long as the processing is not necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller.

Furthermore, in exercising his or her right to data portability pursuant to Article 20(1) of the GDPR, the data subject shall have the right to have personal data transmitted directly from one controller to another, where technically feasible and when doing so does not adversely affect the rights and freedoms of others.

## g) Right to object

Each data subject shall have the right granted by the European legislator to object, on grounds relating to his or her particular situation, at any time, to processing of personal data concerning him or her, which is based on point (e) or (f) of Article 6(1) of the GDPR. This also applies to profiling based on these provisions.

Polytech Health & Aesthetics GmbH shall no longer process the personal data in the event of the objection, unless it can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims.

If Polytech Health & Aesthetics GmbH processes personal data for direct marketing purposes, the data subject shall have the right to object at any time to the processing of personal data concerning him or her for such marketing. This applies to profiling to the extent that it is related to such direct marketing. If the data subject objects to the processing for direct marketing purposes, Polytech Health & Aesthetics GmbH will no longer process the personal data for these purposes.

## h) Automated individual decision-making, including profiling

POLYTECH does not perform directly or indirectly any automatic decision-making or profiling.

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## i) Right to withdraw data protection consent

Each data subject shall have the right granted by the European legislator to withdraw his or her consent to processing of his or her personal data at any time. Users should be aware that, as a consequence of withdrawal of consent, the App will not be accessible or usable anymore.

## **6. Legal basis for the processing**

Art. 6(1) lit. a GDPR serves as the legal basis for processing operations for which we obtain consent for a specific processing purpose. If the processing of personal data is necessary for the performance of a contract to which the data subject is party, as is the case with this free of charge license of use agreement, the processing is based on Article 6(1) lit. b GDPR. The same applies to such processing operations which are necessary for carrying out pre-contractual measures, for example in the case of inquiries concerning our products or services. If POLYTECH is subject to a legal obligation by which processing of personal data is required, such as for the fulfillment of tax obligations, the processing is based on Art. 6(1) lit. c GDPR. In rare cases, the processing of personal data may be necessary to protect the vital interests of the data subject or of another natural person. This would be the case, for example, if a visitor were injured in our company and his name, age, health insurance data or other vital information would have to be passed on to a doctor, hospital or other third party. Then the processing would be based on Art. 6(1) lit. d GDPR. Finally, processing operations could be based on Article 6(1) lit. f GDPR. This legal basis is used for processing operations which are not covered by any of the abovementioned legal grounds, if processing is necessary for the purposes of the legitimate interests pursued by our company or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data. Such processing operations are particularly permissible because they have been specifically mentioned by the European legislator. He considered that a legitimate interest could be assumed if the data subject is a client of the controller (Recital 47 Sentence 2 GDPR).

## **7. The legitimate interests pursued by the controller or by a third party**

Where the processing of personal data is based on Article 6(1) lit. f GDPR our legitimate interest is to carry out our business in favor of the well-being of all our employees and the shareholders.