

Qentry.com Privacy Policy

LAST UPDATED ON JANUARY 13, 2020

Welcome to our website, www.qentry.com ("Qentry.com" or "the Site"). This notice describes Brainlab's privacy policy as it pertains to the services available at Qentry.com (the "Services"). By registering for the Services, using the Services or visiting the Site, you acknowledge and accept this Privacy Policy. This Policy is applicable to all Qentry users and visitors worldwide, including users in the United States and the European Union. This Privacy Policy together with the [Terms of Use](#) govern your use of the Site. To the extent this Privacy Policy differs between users in the European Union and the United States, we have indicated such differences below.

Who is the controller:

The controller according to the Regulation (EU) 2016/679 (General Data Protection Regulation, "GDPR") is:

Brainlab AG
Olof-Palme-Straße 9
81829 Munich
Germany

Phone: +49 89 99 15 68 0

legal@qentry.com

(hereinafter: "Brainlab", "we", "us", "our")

This Privacy Policy applies for the Site, but is not applicable for sites of other providers linked from this Site. Our corporate information is also accessible online at: www.brainlab.com/corporate-information/.

Who is the competent data protection officer:

Mr. Nicolas Kötter
c/o intersoft consulting services AG
Beim Strohhause 17
20097 Hamburg
Germany

Phone: +49 89 599467 – 25

nkoetter@intersoft-consulting.de

Contact Information for Data Protection enquiries and announcements on Data Breach

In case of any question concerning data security or for claiming data breaches please contact us at legal@qentry.com.

Definition of "Personal Data"

Personal data means any information relating to an identified or identifiable natural person ('data subject'). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

What Personal Data we collect:

If you register for the Services, Brainlab will ask for and collect personally identifiable and other information about you and your business. We may collect personal data from you including, without limitation, non-public information about you that helps Brainlab identify you, such as first and last name, birth date, email address, business addresses, telephone number, and other non-public information. On the Site we provide an option for you to contact us (e.g. by using the online registration form). If you are asked to enter personal data (e.g. name, address, email address), any information you submit is given voluntarily and with your consent. Once you visit our Site, specific information will be stored anonymized in a protocol file. There will be an anonymized storage of e.g. the IP-address, operating system (e.g., Microsoft Windows, Mac OS), browser type (e.g., Firefox, Chrome, Internet Explorer, Safari) and browser settings, the date and time our Site has been accessed and from where our Site has been accessed and the domain name of your internet service provider. Brainlab collects the domain names and IP addresses of its visitors and users, along with usage statistics (see the Information about Google-Analytics within this policy). Brainlab will not combine this information with the personally identifiable and other information it collects. We use this anonymized information solely to improve the appearance, contents and functionality of the website.

Sharing and Use of de-identified information originating in the United States

With the exception of encrypted Protected Health Information (PHI) as that term is defined in applicable U.S. federal, state and local statutes, regulations and rules relating to data privacy and security, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the privacy and security standards pursuant to the same, as amended, and the Health Information Technology for Economic and Clinical Health Act (HITECH Act) and regulations and guidance issued pursuant to the same, other types of information that are fully de-identified (stripped of any information that could be used to identify any person) may be used by Brainlab for any reason and shared freely with third parties in de-identified or aggregated form subject to HIPAA and other applicable regulations. We will not re-identify such data and we will ask our contracting parties to agree to keep the data in its de-identified form.

PHI may be shared in compliance with HIPAA and HITECH.

Cookies

We also use cookies for statistical purposes. Cookies are files that are stored on the hard disk of your computer to assist navigation through the Site. They avoid having to enter required data each time you visit the Site.

Cookies also help us tailor the Site to meet your individual needs regarding language, preferred interests, etc. If you do not want cookies stored on your computer, simply switch off the cookies function on your web browser. Most browsers automatically accept cookies and provide options to reject cookies or to issue a warning before cookies are saved. Check your browser manual to see how this works in detail.

On our website we are using the following cookies.

Cookie Information	Purpose of data processing	Storage period
Brainlab Qentry cookies (e.g. FRFRF, ABABA, AWS, RLSR, SBD, SDIF, SUDIF, SUDIFX, SXDIF, user_centric_mode)	System cookies used for essential functionality of Qentry web portal (e.g. security, authentication, settings).	Session
Google Analytics cookies (e.g. __utma, __utmb, __utmt, __utmz)	Used for getting statistics on the Qentry web portal functionality usage, and for adequate web portal design.*	See description*
Google Double Click	Used to track the user's actions on the webpage with the purpose of measuring the effectiveness of advertising and display of targeted advertising to the user.**	Up to 1 year

*Please refer to the text below for Google Analytics.

**Please refer to the text below for Google Double Click.

Google Analytics

This Site uses Google Analytics, a web analytics service provided by Google LLC ("Google"). Google Analytics uses "cookies", which are text files placed on your computer, to help the website analyze how users use the Site. The information generated by the cookie about your use of the Site will be transmitted to and stored by Google on servers in the United States. In case IP-anonymisation is

activated on this Site, your IP address will be truncated within the area of Member States of the European Union or other parties to the Agreement on the European Economic Area. Only in exceptional cases the whole IP address will be first transferred to a Google server in the USA and truncated there. The IP-anonymisation is active on this Site. Google will use this information on behalf of the operator of this Site for the purpose of evaluating your use of the Site, compiling reports on Site activity for Site operators and providing them other services relating to Site activity and internet usage. The IP-address, that your Browser conveys within the scope of Google Analytics, will not be associated with any other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your browser, however please note that if you do this you may not be able to use the full functionality of this Site. You can also opt-out from being tracked by Google Analytics with effect for the future by downloading and installing Google Analytics Opt-out Browser Add-on for your current web browser: <http://tools.google.com/dlpage/gaoptout?hl=en>

If Your Browser is not able to install the Google provided Add-On (e.g. Smartphone-users), you can refuse the use of cookies by Google by clicking on the following link ([disable Google Analytics](#)).

Google Double Click

We use DoubleClick Remarketing service provided by Google LLC, (Mountainview, CA, USA, "Google"). The service allows users who have already visited our websites and online services and that were interested in certain offers, to provide targeted advertising on the pages of the Google Partner Network. The insertion of advertising is done through the use of cookies. With the help of cookies, the user behavior can be analyzed when visiting the website and then used for targeted product recommendations and interest-based advertising. Information about your use of this website is usually transmitted to and stored by Google on servers in the United States.

If you do not wish to receive interest-based advertising, you can disable Google's use of cookies for these purposes by visiting

https://adssettings.google.com/anonymous?sig=ACi0TCjMYJ4Y6N7M0nCZqGIU6ZX_0ROIDipnPH3FyO83af9tvDIqD1PSXcy2zOHgaFiRwFT6Fn5TW90lzDFT9dj6GmvzAJQNSQ&hl=de.

Alternatively, you can disable the use of third-party cookies by visiting the opt-out page of the Network Advertising Initiative:

<http://optout.networkadvertising.org/?c=1#!/>

The Purposes of Processing:

We may use personal data we collect:

- To provide the Services, including making available and operating Qentry.com (the legal basis is art. 6 para. 1 sentence 1 lit. b and f GDPR).
- To provide you with personalized content, e.g., storing your display and other preferences to help you customize your experience (the legal basis is art. 6 para. 1 sentence 1 lit. b and f GDPR).
- To provide you with personalized advertisement through the use of cookies and other analysing tools as described above (the legal basis is art. 6 para. 1 sentence 1 lit. f GDPR).
- To process and respond to your inquiries (the legal basis is art. 6 para. 1 sentence 1 lit. b).
- To improve the Services, e.g., to determine which features are used most, to find and fix navigation problems, and to help guide future development (the legal basis is art. 6 para. 1 sentence 1 lit. f GDPR).
- For administration and improvement of the Site and to enhance the user experience (the legal basis is art. 6 para. 1 sentence 1 lit. b and f GDPR; the latter would be legitimate interests).
- To alert you to new developments, features, special events and services with your consent or provide information to you about the Site (the legal basis is art. 6 para. 1 sentence 1 lit. a, b and f GDPR).
- For fraud prevention, and where necessary to safeguard legitimate interests of Brainlab or a third party or to prevent threats to state or public security or to prosecute crimes, provided this does not conflict the data subject's legitimate interest (the legal basis is art. 6 para. 1 sentence 1 lit. b and f GDPR).
- For other purposes so long as those purposes were clearly disclosed when the information was collected (the legal basis is art para. 1 sentence 1 lit. f GDPR if not otherwise stated).
- To enforce the [Terms of Use](#), e.g., to contact you about an infraction of the Terms of Use or to initiate a legal complaint (the legal basis is art. 6 para. 1 sentence 1 lit. b, f GDPR).

As far as the legal basis for processing is art. 6 para. 1 sentence 1 lit. f GDPR, the above mentioned purposes for processing are also the legitimate interest pursued by us or by a third party.

Any personal data transmitted to the Site is used solely for the stated purpose when the information was transferred and any of the above uses. The data will not be used for any other purpose without your express consent, provided, however, that Brainlab may disclose the information it collects about you to third parties in the event of any reorganization, merger, sale, joint venture, assignment, transfer or disposition of all or any portion of Qentry's business or

operations (including without limitation in connection with bankruptcy or any similar proceedings).

Storage Period

We will retain personal data for the period necessary to fulfil the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law. Data you upload to Qentry will be stored as long as you are signed up for Qentry. Other data including user data may be stored for additional periods for satisfying our legitimate interests (e.g. dealing with legal claims) or to comply with statutory retention obligations (which might be 10 years or longer).

Transfer and Sharing of Personal Data

Your personal data will be transferred to affiliated companies (in particular Brainlab Ltd. (Israel), and Brainlab Inc. (USA)) and service providers of Brainlab that have obligations to Brainlab, e.g. IT providers, to perform our contractual obligations (at the moment this IT provider is in particular Amazon Web Services Inc.). Some of these affiliate companies and service providers are located outside the EU/EEA (e.g. Switzerland, United States, Brazil, Israel, China, India, Japan, Malaysia, Dubai, Singapore, Australia).

To ensure an adequate level of data protection in third countries (outside the European Union or the European Economic Area), there are either adequacy decisions of the EU Commission¹ or adequate and appropriate guarantees in the form of:

- EU-U.S. Privacy-Shield certifications²
- EU standard contractual clauses³
- Officially approved Binding Corporate Rules (BCR)³
- Standard data protection clauses adopted by a supervisory authority³
- Code of conduct approved by a supervisory authority³
- Certification mechanism approved by a supervisory authority³

¹For further information on the recognition of safe third countries, please visit the EU Commission website. ²Existing EU-U.S. Privacy Shield certifications can be viewed at <https://www.privacyshield.gov/list>. With EU Commission Decision (EU) 2016/1250 of 12 July 2016 recognises the level of protection of the EU-U.S. Privacy Shield as equivalent to that of the EU in substance.

³Upon request, we will provide you with a copy.

For further information on data transfer to third countries, please contact legal@qentry.com.

Should third parties come into contact with your personal data, we shall have made use of legal, technical and organizational measures and regular monitoring regarding such parties' compliance with the relevant data protection regulations and with this Policy.

If you are in the European Union: Encrypted patient information will be stored exclusively in data centers within the European Union / European Economic Area. Encrypted personal data and personally identifiable information of users (master data), excluding patient data, may also be stored in data centers in the United States which are obliged on the basis of contractual agreements ensuring an adequate level of data protection in accordance with the GDPR and the German Act to Adapt Data Protection Law to Regulation (EU) 2016/679 and to Implement Directive (EU) 2016/680 ("BDSG-new").

If you are in the United States: Encrypted patient information will be stored exclusively in data centers within the United States. Encrypted personal data, excluding patient data, may also be stored in data centers within the European Union / European Economic Area and the United States. Brainlab does not share personal data with third parties for their direct marketing purposes.

Processing of Personal Data on Behalf of Others

If you are in the European Union: As far as we and our service providers, which are bound by instructions, carry out inspections or maintenance of automated procedures or data processing systems and the possibility of access to personal data during such inspection and maintenance cannot be ruled out, the regulations of processing personal data on behalf of others with respect of the provisions of the GDPR and BDSG-new apply accordingly.

Please note that a data processing agreement pursuant to the provisions regarding processing personal data on behalf of others according to the General Data Protection Regulation (GDPR) is concluded. The data processing agreement is an Exhibit of the Terms of Use (Exhibit 3).

Accountability for Special Categories of Personal Data / Patient Information

If you are in the European Union: Special categories of personal data in the meaning of the GDPR and BDSG-new refer to information for example on health (e.g. patient information such as diagnoses, diagnostic imaging).

The user of the Services under Qentry.com is solely responsible for any patient information. The user is particularly solely accountable for providing legal admissibility for selecting, processing and using personal data with respect to the applicable data protection regulations. The user is further required to follow the rules and regulations of the applicable professional law. **In particular, doctors and other health professionals as well as their assistants and trainees are bound to medical confidentiality.** Therefore, the user being subject to the medical confidentiality is responsible for that personal data of

patients, which is collected, processed and used under Qentry.com, is covered by the patient's consent and release from medical confidentiality and is additionally be de-identified whenever possible and adequate. **This written release from medical confidentiality has to refer to the processing of Protected Health Information (PHI) at Qentry.com, a web-based Service owned and operated by Brainlab AG, Germany on server instances of Amazon Web Services Inc., Ireland. It also has to comprise that for once a catastrophic event requires a data recovery and for necessary maintenance of the Service, PHI may be transferred to Brainlab AG's subsidiary Brainlab Ltd., Israel.** The European Commission approved by a decision of 31 January 2011, case K(2011) 332), that the State of Israel pursuant to Art. 25(2) of the Directive 95/46/EC is considered as providing an adequate level of protection for personal data transferred from the European Union in relation to automated international transfer of personal data from the European Union.

We do not monitor, examine, supervise or otherwise control any exchange of data between users, nor content of user data and patient information.

If you are in the United States: If you are in the United States, you are solely responsible for using the Services, related content, and the Site in a manner consistent with all applicable federal and state privacy laws relating to the use and disclosure of medical or health information, including but not limited to HIPAA and the HITECH Act and regulations and guidance issued pursuant to the same. By utilizing the Services, you represent and warrant that your use and/or disclosure of personal data, including protected health information (PHI), fully complies with all such applicable federal and state privacy laws and regulations and professional and medical practice laws and regulations governing health care providers and practitioners and their designees. You also are solely responsible for obtaining all appropriate consents or authorizations, as necessary, from patients whose personal data will be used or disclosed on the Site or in connection with the Services or taking appropriate steps to de-identify PHI consistent with HIPAA and HITECH. By uploading content, using the Site, and/or in any way using the Services or other features available to you on the Site or with the Services, you expressly certify compliance with all such requirements and your use is deemed your acceptance of this Policy and the Terms of Use.

You also remain solely responsible for any medical or professional advice or opinions you provide on this Site and are solely responsible for any actions you take in reliance on advice or opinions you receive from other users on the Site. You understand that nothing on this Site constitutes a recommendation for specific medical care by the Site or Brainlab, nor do we make any warranty or representation of any kind as to the accuracy or appropriateness of recommendations or advice you receive from other users of the Services or the Site. We assume no liability for any diagnosis, treatment decision, or action taken based on information found on the Site or any other Site linked to it and assume

no responsibility for any consequences related directly or indirectly to any action or inaction you take based upon the information, material, advice or recommendations obtained on this Site.

Data Security

We have taken required, where applicable, or reasonable technical and operational precautions in order to protect personal data stored with us from unauthorized access, misuse or loss. Our security procedures are monitored regularly and updated in line with technological progress. Patient information collected, processed and used by the user will be encrypted immediately upon upload. The uploaded patient information is stored encrypted.

No transmission of data over the internet is guaranteed to be completely secure. It may be possible for third parties not under the control of Brainlab to intercept or access transmissions or private communications unlawfully. While we strive to protect personal data, neither Brainlab nor our service providers can ensure or warrant the security of any information you transmit to us over the internet. Any such transmission is at your own risk.

Communications with You in the United States

If You are in the United States: You authorize Brainlab to transmit email to you or telephone You to respond to your communications, and provide information to you about new developments, features, services, special events, inquiries, or the Site.

Please note that unsubscribe requests may take up to ten (10) days to become effective. You may not opt out of receiving communications regarding your dealings with the Site or technical information about the Site.

Right to Information, Rectification, Erasure, Restriction of Processing, Data Portability, Objection, Withdrawal, Complaint

You have the right

- pursuant to Art. 15 GDPR to request access to information concerning your personal data processed by us;
- pursuant to Art. 16 GDPR to request rectification of your inaccurate personal data stored by us;
- pursuant to Art. 17 GDPR to request erasure of your personal data stored by us;
- pursuant to Art. 18 GDPR to request restriction of processing of your personal data;
- pursuant to Art. 20 GDPR to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you have the right to transmit those data to another controller without hindrance from us;

- pursuant to Art. 21 to object to the processing of your personal data if based on individual grounds related to you, and a right for objection against direct marketing activities without presenting any further reasons;

- pursuant to Art. 7 Abs. 3 GDPR at any time to withdraw consent granted to us, with the consequence that our processing based on such consent will be prohibited for the future. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal;
- pursuant to Art. 77 GDPR to lodge a complaint with a supervisory authority.

Please find our contact details above.

Requirement of Providing Personal Data

The provision of your name, email, institution, department, function, city, postal code, country, time zone, speciality, password, Brainlab ID and collection of technical or usage data is required for us to provide the services we agreed upon with you. There is no statutory requirement and you are not obliged to provide that data. However, if you do not provide such data, a registration and usage of our services is not or not entirely possible.

No automated legal decisions

You are not subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you (see Art. 22 GDPR).

Changes to this Privacy Policy

We may from time-to-time amend, modify or otherwise improve this Privacy Policy, and the date of last revision will be available at the top of this page. However, we will not materially change this Privacy Policy to be less protective of personally identifiable information collected in the past without your consent. We will notify registered users and ask for their acceptance prior to implementing any such changes. If a registered user does not accept such changes, his/her membership will terminate in accordance with section 9.3 of the Terms of Use.

How to contact us:

In the event of queries please contact us at legal@quentry.com. Please note that email communications may not be secure. Accordingly, you should not include personal or other sensitive information in your email correspondence to the Site or Brainlab.