

# Privacy Policy

## 1. Introduction

This privacy notice (“notice”) applies to the collection, use and processing of personal data by ClinBAY Ltd and its group of companies (“ClinBAY or we or us or our”) in connection with the processing of personal data on the ClinBAY website (“website”), platforms, software, tools, applications and any other products and services owned and operated by ClinBAY (“products and/or services”). Products and services by ClinBAY include the following:

- products and services provided by ClinBAY to actual and prospective clients;
- products and services provided to ClinBAY by suppliers, vendors, service providers and any other business associates (“suppliers”); and
- facilities provided by ClinBAY (for instance, WiFi) and services to visitors to any ClinBAY’s offices.

References in this notice to “you” or “your” or “clients” are references to individuals whose personal data ClinBAY processes in connection with the products and services or individuals who use the website.

For the avoidance of doubt any reference in this policy to our “clients” or “suppliers” includes their employees or other staff whose personal details we process.

This notice does not apply to any third-party websites that are accessed from our website. Clicking on those links may give permission to third parties to obtain or use your personal data. We do not have control over these third-party websites or their privacy policies, hence we are not responsible. When you leave our website, it is strongly recommended that you read the privacy notice of every website you visit and know your rights.

This website is not intended for children and we do not knowingly collect personal data

relating to children. ClinBAY provides information solutions for professionals and our services are generally not aimed at children. In the limited circumstances where we may collect and use personal data about children, we will comply with all applicable laws.

## **2. Who we are and the importance of personal data protection to us.**

ClinBAY is a global biometrics CRO with headquarters in Cyprus, Europe. Our services involve statistical consulting and programming on clinical trials, functional sourcing and software development.

ClinBAY respects the privacy rights of any person whose personal data is shared with it. To ensure that we handle personal data properly, we have adopted a global approach to privacy compliance, as evidenced by this notice.

Our main offices are located in Cyprus (EU), but we also have ClinBAY teams located in Europe, South America, and Indian Ocean. We have clients located worldwide across the healthcare industry. We operate in most countries which regulate the use, and impose restrictions on overseas transfers of personal data. To ensure that we handle personal data properly, we have adopted a global approach to privacy compliance, as evidenced by our notice. Our notice is available on our website, however, you can request a copy of it at any time by contacting us at [qa@climbay.com](mailto:qa@climbay.com).

## **3. Purpose of this notice**

This notice aims to give you information about how ClinBAY collects and processes your personal data and how ClinBAY processes your personal data when you use its website. It is important that you read this notice together with our Cookie Policy or any other notice or fair processing, we may provide on specific occasions when we are collecting or processing

personal data about you so that you are fully aware of how and why we are using your data. This notice supplements other notices and privacy policies and is not intended to override them.

## **4. Who is the controller for the personal data processed?**

A “controller” is a person or organization who alone or jointly determines the purposes for which, and the manner in which, any personal data is, or is likely to be, processed. The “processor” is a person or entity which processes personal data on behalf of the data controller.

This notice is issued on behalf of ClinBAY as controller. Unless we notify you otherwise ClinBAY is the controller for your personal data.

This notice does apply to our access to or handling of any data we receive from clients and complements any applicable terms of use or other agreements between clients and ClinBAY.

Our Quality Assurance Department (“QA Department”), oversees compliance with data protection within ClinBAY. If you have any questions about this notice, or any requests on how to exercise your legal rights, please contact our QA Department using the contact details set out below:

Quality Assurance Department

Kofteros Business Center, Office 101, 182 Agias Fylaxeos street, Limassol, Cyprus

Email: [qa@climbay.com](mailto:qa@climbay.com)

Telephone: (+357) 95 138 234

## 5. Collection and use of personal data

### What types of personal data we collect

Personal data includes any information about an individual from which that person can be identified. It does not include personal data where the identity has been removed (anonymous data).

Special categories of personal data includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data. In limited circumstances, we collect special categories of personal data about you, for legal or regulatory purposes (for example, where required pursuant to anti-money laundering laws) or where you have provided us with such information as it is necessary for a specific service we are providing. We do not collect any special categories of personal data about you through our website.

We may collect, use and share aggregated data such as statistical or demographic data for any purpose. Aggregated data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your data relating to the usage of our website to calculate the percentage of users accessing a specific website feature.

We will only collect personal data to the extent that it is required for the specific purposes below mentioned. We use, store and transfer different kinds of personal data about you such as:

- work address, job title, email address and telephone numbers, billing address, postal or delivery address;
- first name, middle names, last name, username or similar identifier, title, date of birth, passport number, photographic identification and gender;

- financial data such as bank account;
- details about payments to and from you and other details of services you have purchased from us or we have purchased from you;
- server logs requests for website content. By analyzing this information, we can identify which parts of the website are popular and which are not, helping us to improve the website. The website uses these log files to compile non-personal statistical information about matters such as length of stay on the website, type of pages visited and other general information. This information is entirely anonymous, but us required since we want to know how people in general are using the website, not what you in particular are doing on the website;
- data collected when you access our website, your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you are using;
- like most websites, the website uses cookies. These are small text files that are sent to your computer when you log into this website. By using a cookie we can keep track of your log-in status even if you leave the site and return. A cookie only tracks which device is logging on to the website: it does not identify (and we do not record) who is using that device. (You may refuse to accept cookies by changing the settings on your browser. However, doing so may affect your ability to access or use certain parts of the website. Please see our Cookie Policy published on the website);
- special categories of personal data are processed in limited circumstances, for example, where required to do so for legal or regulatory purposes or where you have provided us with such information as it is necessary for a specific service we are providing to you. We will process this personal data for legal and regulatory purposes; and
- our services are neither aimed at nor intended for children. However, we may process children's personal data when we are asked for certain matters. We process such personal data only where necessary for the specific client services we are

providing.

Please note that it is of essence to appreciate that where we need to collect personal data by law (for instance, in relation to anti-money laundering or other “know your customer” checks) or under the terms of a contract and you fail to provide the personal data when requested, we may not be able to perform the contract we have or are trying to enter into with you or will not be in a position to provide you with our products and services. In this case, we may have to decline to provide or receive any products or services, but we will notify you if this is the case at the time the personal data is collected.

## Sources of personal data

We obtain personal data from you and third parties about you, in several ways as set out below:

- direct interactions. For example, (i) when you purchase or use our services and products, (ii) when you call for support or other reasons, (iii) by corresponding with us by email or post, (iv) by speaking to us in person or over the telephone, or (v) whilst visiting our offices;
- throughout our website and cookies. You give us your personal data, when you use our website; We will log details of your interactions with us including transactions you carry out through the website. We will also log non-personal statistical information concerning usage of the website, such as length of stay on the website, type of pages visited and other general information.
- automated technologies or interactions. Our servers, logs and other technologies automatically collect system/device and usage information to help us administer, protect and improve our services, analyze usage and improve users' experience;
- the person(s) arranging for you to access our services, for example your employer, in order to set up a user account;
- an organization to which you belong where that organization provides you access to our services;

- partners and service providers who work with us in relation to your service; and
- publicly available sources such as public websites, open government databases or other data in the public domain, to help us maintain data accuracy and provide and enhance the services.

## How we use personal data

ClinBAY only processes your personal data according to the law, meaning that, processing will take place when we have a legal basis to do so. When you use our website or otherwise, we process your personal information in the following circumstances:

- A. when we have to perform a contract which we are about to enter into or have entered into with you as a party or to take steps at your request before entering into such a contract;
- B. for compliance with a legal obligation: where we need to comply with a legal or regulatory obligation that we are subject to;
- C. where necessary for our legitimate interests (or those of a third party), provided that your fundamental rights do not override such interests. For instance, it is in our obligation to monitor how you are using any features or access to systems to ensure that the security is maintained. We consider and balance any positive or negative impact on you and your rights before we process your personal data for our legitimate interests;
- D. where you have provided your consent or explicit consent to processing your personal data. Generally we do not rely on consent as a legal basis for processing your personal data, however, we may be required in relation marketing purposes; and
- E. processing is necessary for the performance of a task carried out in the public interest.

ClinBAY does not use your personal data for activities when our interests are overridden

by yours, meaning the impact on you, except when have your consent or required or permitted by law. You have the right to withdraw consent to marketing at any time by communicating this demand to us, or by changing the appropriate details on your user account or by clicking on the “unsubscribe” link on any email you receive from us.

We will only use your personal data for the purposes for which collected unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to receive an explanation please contact us. If the purpose we would use your personal data is not related to the original one, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

When you pass your personal data for recruitment purposes, we will only use this personal data in order to contact you about recruitment and other matters that you may have asked for.

### **Use of personal information and legal basis**

We only process your personal data when permitted by the law, meaning, when we have a legal basis for processing. We describe below some ways in which we use your personal data and the legal bases we rely on doing so. In order to illustrate on how we use your personal data and on what legal basis, we have created a list of examples below. As you can notice, next to each purpose and/or activity described underneath, you will see letters in brackets that correspond to the letters of the legal bases above mentioned.

Please note that, according to the specific purpose for which we are using your personal data, we may process it for more than one legal basis.

Regarding our client services or visitor services:

- If you are a client or would be a client, we need to check if there is a conflict of interest (A, B, C).
- If you want to be our client, we perform anti-money laundering or background checks (A, B, C, E).
- Providing you with our products and services (A, B, C).
- To manage fees and recover monies owed to ClinBAY (A, C).
- Verification of source of funding (A, B, C).
- To protect our business, for example improving data security (A, C).
- To invite or send you marketing or ask for feedback (C).
- To ensure that the website is presented in the most effective manner for you and for your computer (C).
- To provide you with information, products or services that you request from us or which we feel may interest you (A, B, C, D).
- To notify you about changes in our website (C).
- To allow you to participate in interactive features of our service, when you choose to do so (A, B, C, D).
- To notify you about changes to our service (A, C).
- To use data to improve (C).

If you provide us with personal data of people who are not aware of our involvement or of our processing of their personal data (for instance, personal data of employees), we probably will not inform those individuals whose personal data we are processing for various reasons (for instance, to maintain confidentiality). Therefore, before you pass any personal data of third parties to us, you shall ensure that they have received our notice.

## Disclosure of your personal data

We do not share, sell, rent or lease your personal data with any organizations outside of ClinBAY for marketing purposes. ClinBAY does not disclose your personal information to others except as described in this notice.

We may have to disclose your personal data with the entities and persons described below for the purposes for which we obtained the personal data, as detailed above.

Your personal data will be shared within ClinBAY and any affiliated companies. As a multi – national company, we share your personal data between ClinBAY offices to ensure the effective operation of ClinBAY (for instance, by sourcing our shared services in the most cost-effective way) and to provide the highest quality of our products and services.

ClinBAY provides access to personal data only to those employees or contractors who reasonably need such access to carry out their assigned functions on behalf of ClinBAY.

A list for access – control per folder to different users (“ACL”) has been created according to the appropriate legal requirements and contains information for access rights per user. The list is being updated regularly under information technology periodic review to define per project/folder user accesses. Internal disclosure of all personal data may be restricted, on a case-by-case basis.

All employees and contractors are trained in data privacy matters as is appropriate for their work with personal data.

If it is necessary, always subject to our professional obligations and any terms of business which we may enter into with you, we will disclose your personal data to:

- anyone to whom we are required or requested to make such disclosure by any court of competent jurisdiction or by any authority, agency or similar body;
- anyone to whom we are obliged by EU Law, Cyprus Law or any other applicable law or regulation;
- our professional advisers or consultants, including lawyers, bankers, auditors, accountants and insurers providing consultancy, legal, banking, audit, accounting or insurance services to us;
- any financial institutions providing finance to us;
- service providers who provide information technology and system administration services to us; and
- any external auditors who may carry out independent checks of your file as part of our accreditations.

If you ask us to do so in relation to the services and products we are providing or the services you are providing, we may disclose your personal data to third parties as instructed.

We may disclose your personal data to any persons or entities outside of ClinBAY to whom we may sell any part of our business or assets, subject to the appropriate confidentiality terms and conditions. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, the part of our business that is (as the case may be) sold, acquired or is the merged entity may use your personal data in the same way as set out in this notice. If applicable, we will update our notice or inform you accordingly.

Your personal data is of essential importance to us and for this reason, we require any entity to whom we disclose personal data pursuant to this notice to respect the confidentiality and security of your personal data and to treat it in accordance with applicable laws and regulations. We do not allow such recipients of your personal data to

use it for their own purposes, and we only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may also share your information to protect the rights or property of ClinBAY, our business partners, suppliers or clients, and others when we have reasonable grounds to believe that such rights or property have been or could be affected.

## 6. International transfers

When we share your personal data within ClinBAY, this involves transferring your personal data outside the European Economic Area (“EEA”). The personal data is shared in accordance to the same rules when processing your personal data.

In some cases, third parties instructed by ClinBAY to process personal data, are based outside the EEA, therefore their processing of your personal data will involve a transfer of such data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission;
- where we use certain service providers, we may use specific contracts approved by the European Commission which gives personal data the same protection it has within the EEA; and
- where we use providers based in the US, we may transfer personal data to them if they are certified under the EU-US Privacy Shield which requires certified providers

to have in place and maintain a similar level of protection to the personal data as if it was processed within the EEA.

Please contact us if you would like further information about the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. Data security

Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, we implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk of processing, including:

- encryption of personal data;
- the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
- the capability to restore and access to personal data in a timely manner if a physical or technical incident occurs; and
- a process for regularly testing, assessing and evaluating the effectiveness of technical and organizational measures for ensuring the security of the processing.

We ensure that those who have permanent or regular access to personal data, or that are involved in the processing of personal data, or in the development of tools used to process personal data, are trained and informed of their rights and responsibilities when processing personal data.

ClinBAY employs various technical measures, which are safeguards and security practices to protect personal data in its possession from loss, misuse, unauthorized or unlawful

access, processing, disclosure, alteration, damage and destruction.

Some of the measures that are used by ClinBAY are the following:

- prevention of unauthorized persons from gaining access to systems or files in which personal data is stored or processed;
- personal data is stored securely with limited access;
- taking all reasonable measures to ensure that personal data is protected against undesired destruction or loss;
- ensuring that personal data in the course of electronic transmission during transport or during storage cannot be read, copied, modified or removed without authorization.
- personal data transferred to third parties is returned or destroyed according to the circumstances; and
- all personal data kept in physical or electronic form is access-controlled;

## 8. Data retention

We will only retain your personal data for as long as necessary to accomplish the purposes we obtained it for. This includes all the purposes above mentioned, such as satisfying any legal, regulatory, accounting, reporting requirements.

The retention period for personal data is varied according to different factors. To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the objectives for which we process your personal data and whether we can achieve those objectives through other means, and the applicable legal requirements.

If you would like to know more about the retention periods we apply to your personal data,

please contact us.

In some circumstances we may anonymize your personal data so that it can no longer be associated with you, but we demand anonymization of personal data when handling data of third parties, that you have passed to us, unless it is necessary or requested by explicit consent from you and those third parties.

Anonymization is useful for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. It is our primary objective to respect your rights and act promptly and in accordance with any applicable law relating to the processing of your personal data.

Details of your rights relating to your personal data are set out below:

- right to be informed about the collection and use of your personal data – you have a right to be informed about how we will collect and use your personal data. This explanation will be concise, transparent, intelligible and easily accessible format and will be written in clear and plain language;
- right to access – you have a right to obtain confirmation of whether we are processing your personal data, access to your personal data and information regarding how your personal data is being used;
- right to have inaccurate personal data rectified or completed if it is incomplete – you have a right to have any inaccurate or incomplete personal data rectified. If we have disclosed the relevant personal data to any third parties, we will take reasonable steps to inform those third parties of the rectification where possible;

- right to have personal data erased in certain circumstances (right to be forgotten) – you have a right to request that certain personal data held by us is erased. This is not an absolute right and we have an obligation to consider each request carefully in accordance with the requirements of any laws relating to the processing of your personal data;
- right to request restriction or suppression of personal data in certain circumstances – you have a right to block the processing of your personal data in certain circumstances. When you exercise this right, we will store your personal data but not use it. This right arises when you dispute the accuracy of personal data, when you have raised an objection to processing, if processing of personal data is unlawful and you oppose erasure and request restriction instead or if the personal data is no longer required by us but you require the personal data to be retained to establish, exercise or defend a legal claim;
- right to data portability – in certain circumstances you can request to receive a copy of your personal data in a commonly used electronic format. This right only applies to personal data that you have provided to us (for example by completing a form or providing information through a website). Information about you which has been gathered by monitoring your behavior will also be subject to the right to data portability. The right to data portability only applies if the processing is based on your consent or if the personal data must be processed for the performance of a contract and the processing is carried out by automated means (i.e. electronically);
- right to object to processing of personal data in certain circumstances, including where personal data is used for marketing purposes – you have a right to object to processing being carried out by us if (a) we are processing personal data based on legitimate interests or for the performance of a task in the public interest (including profiling), (b) if we are using personal data for direct marketing purposes, or (c) if information is being processed for scientific or historical research or statistical purposes. You will be informed that you have a right to object at the point of data collection and the right to object will be explicitly brought to your attention and be presented clearly and separately from any other information; and

- right not to be subject to automated decisions where the decision produces a legal effect or a similarly significant effect – you have a right not to be subject to a decision which is based on automated processing where the decision will produce a legal effect or a similarly significant effect on you.

You may exercise any of your rights at any time using the contact details set out above. You will not have to pay to exercise any of the other rights. However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to exercise any of your other rights. This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one calendar month. Occasionally it may take us longer than one calendar month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

We reserve the right to amend this notice from time to time without prior notice. You are advised to check the website regularly for any amendments.