

La Jolla Pharmaceutical Company

Global Privacy Policy

1.0 Overview

1.1 Purpose

La Jolla Pharmaceutical Company and its operating divisions, subsidiaries, affiliates and branches (collectively, “La Jolla,” “the Company,” “we” or “us”) are sensitive to privacy issues, and it is important to us to protect the information provided to us. Accordingly, La Jolla provides this privacy and information practices policy to inform you about our information practices, the kinds of information we may collect, how we intend to use and share that information, and how you can correct or change such information (“Privacy Policy”). We encourage you to read this Privacy Policy in its entirety before submitting any information. By using La Jolla’s websites, submitting or requesting information, you acknowledge that you understand and agree with the provisions of this Privacy Policy.

1.2 Scope

This Privacy Policy applies to Personal Information that is Processed by La Jolla in the course of our business, including on Company websites (together with any and all future websites operated by or on behalf of La Jolla, the “Sites”). All individuals whose responsibilities include the Processing of Personal Information on behalf of La Jolla are expected to protect that data by adherence to this Privacy Policy. This Privacy Policy is intended to meet requirements globally, including those in North America, Europe, APAC, and other jurisdictions.

2.0 Transparency/Notice—What Personal Information We Collect and How We Use It

The types of Personal Information we may collect (directly from you or from Third Party-sources) and our privacy practices depend on the nature of the relationship you have with La Jolla and the requirements of applicable law. We endeavor to collect information only relevant for the purposes of Processing. Below are the legal bases and some of the ways we collect information and how we use it.

2.1 Individuals

La Jolla collects Personal Information regarding its current, prospective and former clients, Employees, customers, visitors and guests (collectively “Individuals”).

2.2 Information La Jolla Collects

The data we collect from or about Individuals includes information that may be deemed Personal Information, such as title, name, address, age, birth date, phone number, email address, user name, government identification (e.g., driver’s license, passport), photo or image, Internet Protocol address, and credit card and other financial information related to payments for services or goods, as applicable. We may also collect other information that is not Personal information, such as demographic information you choose to provide (e.g., your business or company information, professional experiences, educational background, nationality, ethnic origin, gender, interests, preferences and favorites) and answers to a security question and password.

In addition, if you participate in certain programs or services, we may collect information regarding your medications, medical history and other healthcare-related information, including, without limitation, Protected Health Information (collectively, “Health Information”), from Individuals or a Third Party. For example, if you are a patient, we may indirectly collect information about your health condition, diagnosis, and treatment from your healthcare professional, but only where your healthcare professional has obtained

your consent to disclose that information to us, as required by law. Any Health Information that is tied to an Individual's Personal Information will be treated as Personal Information, provided that any Protected Health Information will be protected in accordance with the requirements of HIPAA.

2.3 How La Jolla Collects Personal Information

Some of the ways that La Jolla may collect your Personal Information include:

- La Jolla may collect Personal Information from you through various channels, including the Sites, in surveys, during business or marketing events, and when delivering programs and services to you.
- When you use the Sites, La Jolla may provide you with opportunities to sign up to receive specific information or services and may ask for your contact information (e.g. name, home address, home phone number or personal email address), so that we can send you specific information about our products, services and specific health conditions, with your consent.
- When you enroll in a program that La Jolla offers, we may obtain your contact information, details of your health condition, and prescribing information relating to our products.
- La Jolla is also obligated to collect certain Personal Information to comply with regulatory requirements, including information relating to adverse effects you have experienced when using our products.
- La Jolla may indirectly collect information about your health condition, diagnosis, and treatment from your healthcare professional, but only where your healthcare professional has obtained your consent to disclose that information to us, as required by law.
- We may collect information from physicians and other healthcare providers who register on our websites in order to verify their licensure status and identity.
- La Jolla may collect various information from healthcare professionals as part of marketing activities to healthcare professionals, including first name, last name, age, gender, home address, home phone number, medical specialization, professional qualifications, license number and scientific society membership number.
- As you navigate the Sites, certain passive information may also be collected, including Internet Protocol addresses, cookies, navigational data, the name of the domain and host from which you access the Internet, the browser software you use and your operating system, the date and time you access our Sites, and the Internet address of the website from which you linked directly to our Sites. This type of information is used for the purposes of gathering data to provide improved administration of our Sites, and to improve the quality of your experience when interacting with our Sites.

2.4 Information from Third-Party Sources

La Jolla may collect information about you from Third-Party sources. For example, we may collect various information regarding healthcare professionals from third parties, like department directories or attendee lists, as part of our marketing activities to healthcare professionals. We may also collect information from Third-Party sources to supplement information provided by you. This supplemental information allows us to verify information that you have provided to La Jolla and to enhance our ability to provide you with information about our business, products and services. La Jolla's agreements with these Third Party-sources typically limit how the Company may use this information.

2.5 Research/Survey Solicitations

From time to time, La Jolla may perform research (online and offline) via surveys. We may engage Third Party-service providers to conduct such surveys on our behalf. All survey responses are voluntary, and the information collected will be used for research and reporting purposes to help us better serve Individuals by learning more about their needs and the quality of the products and services we provide. The survey responses may be utilized to determine the effectiveness of our Sites, various types of

communications, advertising campaigns and/or promotional activities. If an Individual participates in a survey, the information given will be used along with that of other study participants. We may share anonymous individual and aggregate data for research and analysis purposes.

2.6 How La Jolla Uses Your Personal Information

Depending on how you interact with La Jolla, we and our Third Party-service providers may also use Personal Information in a variety of ways, including:

- **Providing Information and Services You Requested.** La Jolla may use the Personal Information about you to provide you with information that you may request, e.g. information about a product or program we are offering. La Jolla may also use your Personal Information to deliver a specific program or service to you, when you enroll to receive the program or service. Such use may include: (a) generally managing your information; (b) responding to questions, comments and requests; (c) providing access to certain areas and features of the La Jolla Sites; and (d) permitting you to register for events or participate in webinars.
- **Administrative Purposes.** La Jolla may use the Personal Information about you for its administrative purposes, including, without limitation, to: (a) measure interest in La Jolla's Site, programs or services; (b) perform internal quality control; (c) verify identity; (d) send communications regarding the La Jolla Site, programs or services, or any changes to any La Jolla policy or terms of service; (e) process payments; (f) prevent potentially prohibited or illegal activities; and (g) enforce our Terms of Use.
- **Regulatory Purposes.** La Jolla may use the Personal Information about you to comply with regulatory or legal requirements, including to investigate and report on adverse effects you have experienced when using our products.
- **Marketing Products and Services.** La Jolla may use the Personal Information about you to provide you with materials about offers, products and services offered by us, including new content or services on La Jolla Sites. La Jolla may provide you with these materials by phone, postal mail, facsimile or email, as permitted by applicable law. If you do not wish us to use your Personal Information for marketing purposes, you may contact us at any time to opt out of the use of your Personal Information for such purposes, as further described below.
- **Research and Development.** La Jolla may use your Personal Information to create non-identifiable information that we may use alone or in the aggregate with information obtained from other sources, in order to help us to optimally develop new products, processes and services.
- **Information Submitted Via Sites.** You agree that La Jolla is free to use the content of any communications submitted by you via the Sites, including any ideas, inventions, concepts, techniques, or know-how disclosed therein, for any purpose including developing, manufacturing, and/or marketing goods or services. However, La Jolla does not release your name or otherwise publicize the fact that you submitted materials or other information to us unless: (a) you grant us permission to do so; (b) we first send notice to you that the materials or other information you submit to a particular part of a site will be published or otherwise used with your name on it; or (c) we are required to do so by law.
- **Sharing Content with Friends or Colleagues.** La Jolla's Sites may offer various tools and functionality. For example, La Jolla may provide functionality on its Sites that will allow you to forward or share certain content with a friend or colleague. Email addresses that you may provide for a friend or colleague will be used to send your friend or colleague the content or link you request, but will not be collected or otherwise used by La Jolla or any other Third Parties for any other purpose.
- **Pseudonymous Data.** Including as discussed below in Section 2.12, La Jolla may use and share your anonymized or aggregated information within the La Jolla group of companies or with Third Parties for public health, research, analytics and any other legally permissible purposes.

- **Other Uses.** La Jolla may use your Personal Information for other purposes disclosed to you at the time you provide Personal Information or with your consent.

2.7 Human Resources Data

La Jolla collects Personal Information from current, prospective and former Employees, their contact points in case of a medical emergency, and beneficiaries under any insurance policy (“Human Resources Data”). The Human Resources Data we collect may include title, name, address, phone number, email address, date of birth, passport number, driver’s license number, Social Security number or other government-issued identification number, financial information related to credit checks, bank details for payroll, information that may be recorded on a CV or application form, language abilities, contact information of third parties in case of an emergency and beneficiaries under any insurance policy. We may also collect Sensitive Human Resources Data such as details of health and disability, including mental health, medical leave, and maternity leave.

We acquire, hold, use and Process Human Resources-related Personal Information for a variety of business purposes including:

- workflow management, assigning, managing and administering projects;
- Human Resources administration and communication;
- payroll and the provision of benefits;
- compensation, including bonuses and long-term incentive administration, stock plan administration, compensation analysis, including monitoring overtime and compliance with labor laws, and company recognition programs;
- job grading activities;
- performance and employee development management;
- organizational development and succession planning;
- benefits and personnel administration;
- absence management;
- helpdesk and IT support services;
- regulatory compliance;
- internal and/or external or governmental compliance investigations;
- internal or external audits;
- litigation evaluation, prosecution and defense;
- diversity and inclusion initiatives;
- restructuring and relocation;
- emergency contacts and services;
- Employee safety;
- compliance with statutory requirements;
- Processing of Employee expenses and travel charges; and
- acquisitions, divestitures and integrations.

2.8 Social Media

Generally, online social media resources are interactive tools that enable Data Subjects to collaborate and share information with others. Social media resources include, but are not limited to, social networks, discussion boards, bulletin boards, blogs, wikis, and referral functions to share web site content and tools with a friend or colleague.

La Jolla may collect Personal Information to enable Data Subjects to use online social media resources offered either by La Jolla or a Third Party. We may also enable you to use these social media resources to post or share Personal Information with others. When using social media resources, you should take into careful consideration what Personal Information you share with others.

If you use online social media resource offered by a Third Party (“Third Party SMR”) through the La Jolla Site, you acknowledge that La Jolla may be able to access any information you make public through such Third Party SMR (such as your username, comments, posts and contacts) and other information your privacy settings on such Third Party SMR permit La Jolla to access. La Jolla will comply with the terms of this Privacy Policy and the privacy policies applicable to the social media resources it uses.

2.9 Direct Mail, Email and Outbound Telemarketing

Individuals who provide us with Personal Information, or whose Personal Information we obtain from Third Parties, may receive periodic emails, newsletters, mailings or phone calls from us with information on La Jolla or our business partners’ products and services or upcoming special offers/events we believe may be of interest. We offer the option to decline these communications at no cost to the individual by following the instructions in Section 3 below.

2.10 All Internet Users – Cookies, Pixel Tags/Web Beacons, Analytics Information, and Interest-Based Advertising

2.10.1 Cookies

Like many other websites, La Jolla or its business partners may employ a cookie, or small piece of computer code that enables Web servers to “identify” visitors, each time an Individual initiates a session on the Company’s Sites. A cookie is set in order to identify Data Subjects; tailor our Sites to you; measure and research the effectiveness of our Sites’ features, offerings and advertisements; and authenticate users for registered services. Cookies can only access Personal Information that you have provided on our Sites and cannot be accessed by other sites. Data Subjects also have the ability to delete cookie files from their own hard drive at any time by clicking on the *Privacy* or *History* tab typically found on the *Settings* or *Options* menu in your internet browser. However, please also be advised that cookies may be necessary to provide access to much of the content and many of the features of La Jolla’s Sites.

2.10.2 Pixel Tags/Web Beacons

La Jolla may use “pixel tags,” also known as “web beacons,” which are small graphic files that allow us to monitor the use of our Sites. A pixel tag can collect information such as the Internet Protocol (“IP”) address of the computer that downloaded the page on which the tag appears; the URL of the page on which the pixel tag appears; the time the page containing the pixel tag was viewed; the browser type and language; the device type; geographic location; and the identification number of any cookie on the computer previously placed by that server. When corresponding with you via HTML capable email, we or our Third Party-service providers may use “format sensing” technology, which allows pixel tags to let us know whether you received and opened our email.

2.10.3 Analytics Information

We may also use Google Analytics and Google Analytics Demographics and Interest Reporting to collect information regarding visitor behavior and visitor demographics on some of our Sites, and to develop website content. This analytics data is not tied to any Personal Information. For more information about Google Analytics, please visit www.google.com/policies/privacy/partners/. You can opt out of Google’s collection and processing of data generated by your use of the Services by going to <http://tools.google.com/dlpage/gaoptout>.

2.10.4 Interest-Based Advertising

Through our Sites, La Jolla may in the future allow Third-Party advertising partners to set tracking tools (e.g., cookies) to collect anonymous, non-Personal Information regarding your activities (e.g., your IP address, page(s) visited, time of day). We may also share such de-identified information we have collected with Third-Party advertising partners. These advertising partners may use this information (and similar information collected from other websites) for purposes of delivering targeted advertisements to you when

you visit non-La Jolla related websites within their networks. This practice is commonly referred to as “interest-based advertising” or “online behavioral advertising.”

2.11 Mobile Devices

La Jolla may provide websites and online resources that are specifically designed to be compatible and used on mobile devices. La Jolla will collect certain information that your mobile device sends when you use such websites or online resources, like a device identifier, user settings and the operating system of your device.

Mobile versions of La Jolla’s Sites may require that users log in with an account. In such cases, information about use of each mobile version of the website may be associated with user accounts. In addition, La Jolla may enable Individuals to download an application, widget or other tool that can be used on mobile or other computing devices. Some of these tools may store information on mobile or other devices. These tools may transmit Personal Information to La Jolla to enable Data Subjects to access user accounts and to enable La Jolla to track use of these tools. Some of these tools may enable users to email reports and other information from the tool. La Jolla may use personal or non-identifiable information transmitted to the Company to enhance these tools, to develop new tools, for quality improvement and as otherwise described in this Privacy Policy or in other notices La Jolla provides.

2.12 Anonymous and Aggregated Information

La Jolla may use your Personal Information and other information about you to create anonymized and aggregated information, such as de-identified demographic information, de-identified location information, information about the computer or device from which you access the La Jolla Site or other online services, or other analyses we create. Anonymized and aggregated information is used for a variety of functions, including the measurement of visitors’ interest in and use of various portions or features of the Sites. Anonymized or aggregated information is not Personal Information, and La Jolla may use such information in a number of ways, including research, internal analysis, analytics and any other legally permissible purposes. We may share this information within La Jolla and with Third Parties for our or their purposes in an anonymized or aggregated form that is designed to prevent anyone from identifying you.

3.0 Choice/Modalities to Opt Out

You have the right to opt out of certain uses and disclosures of your Personal Information, as set out in this Privacy Policy.

3.1 General

Where you have consented to La Jolla’s Processing of your Personal Information or Sensitive Personal Information, you may withdraw that consent at any time and opt out by following the instructions in this Section 3. Additionally, before we use Personal Information for any new purpose not originally authorized by you, we will provide information regarding the new purpose and give you the opportunity to opt out.

Prior to disclosing Sensitive Data to a Third Party or Processing Sensitive Data for a purpose other than its original purpose or the purpose authorized subsequently by the Data Subject, La Jolla will endeavor to obtain each Data Subject’s explicit consent (opt-in). Where consent of the Data Subject for the Processing of Personal Information is otherwise required by law or contract, La Jolla will comply with the law or contract.

3.2 Email and Telephone Communications

An “Unsubscribe” button will be provided at the top or bottom of each email communications sent by La Jolla so that you can opt-out. However, we may continue to send transaction-related emails regarding products or services you have requested in response to such request. We may need to send you certain communications regarding the La Jolla programs and services and you will not be able to opt out of those communications – e.g., communications regarding updates to our Terms of Use or this Privacy Policy.

We maintain telephone “do not call” lists and “do not mail” lists as mandated by law. We process requests to be placed on do not mail, do not phone and do not contact lists within 60 days after receipt, or such shorter time as may be required by law.

3.3 Human Resources Data

With regard to Personal Information that La Jolla receives in connection with the employment relationship, La Jolla will use such Personal Information only for employment-related purposes as more fully described in section 2.3 above. If La Jolla intends to use this Personal Information for any other purpose, the Company will provide the Data Subject with an opportunity to opt-out of such uses.

3.4 “Do Not Track”

Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. DNT is a way for users to inform websites and services that they do not want certain information about their webpage visits collected over time and across websites or online services. La Jolla does not recognize or respond to browser-initiated DNT signals. For information about “do-not-track”, visit <http://www.allaboutdnt.org>.

3.5 Advertising Choices

While La Jolla does not currently participate in interest-based advertising, it may in the future use your browsing for interest-based advertising purposes. In the event that we do so, an opportunity to opt-out of such interest-based advertising will be provided through an AdChoices link.

Advertisements on Third-Party websites that contain the AdChoices link and that link to this Privacy Policy may have been directed to you based on anonymous, non-Personal Information collected by advertising partners over time and across websites. These advertisements provide a mechanism to opt-out of the advertising partners’ use of this information for interest-based advertising purposes.

Even if you opt-out through AdChoices, we may still collect and use non-Personal Information regarding your activities on our Sites and/or information from the advertisements on Third-Party websites for non-interest based advertising purposes, such as to determine the effectiveness of the advertisements.

4.0 Onward Transfer

4.1 Information We Share

La Jolla does not sell or otherwise disclose Personal Information about you, except as described in this Privacy Policy or as you explicitly consent. La Jolla endeavors to require Third Parties to which it discloses Personal Information to protect Personal Information using substantially-similar standards to those required by La Jolla (and at least the same level of privacy protection as is required by this Privacy Policy), and to notify La Jolla if they make a determination they can no longer meet this obligation.

4.1.1 Service Providers

La Jolla may share Personal Information with our service providers that we have retained to perform services on our behalf including (i) provision of IT and related services; (ii) provision of information and services you have requested; (iii) payment processing; (iv) research and trial administration; and (v) customer service activities. Payment information will be used and shared only to effectuate your order and may be stored by a service provider for purposes of future orders.

La Jolla has executed appropriate contracts with the service providers that prohibit them from using or sharing your personal information except as necessary to perform the contracted services on our behalf or to comply with applicable legal requirements.

4.1.2 Business Partners

La Jolla may share Personal Information with our business partners, and affiliates for our and our affiliates' internal business purposes or to provide you with a product or service that you have requested. La Jolla may also provide Personal Information to business partners with whom we may jointly offer products or services, or whose products or services we believe may be of interest to you. In such cases, our business partner's name will appear, along with La Jolla's. La Jolla requires our affiliates and business partners to agree in writing to maintain the confidentiality and security of Personal Information they maintain on our behalf and not to use it for any purpose other than the purpose for which La Jolla provided them.

4.1.3 *Information Disclosed for Our Protection and the Protection of Others*

We may disclose information about you: (i) if we are required to do so by law, court order or legal process; (ii) in response to lawful requests by public authorities, including to meet national security or law enforcement requirements; (iii) under the discovery process in litigation; (iv) to enforce La Jolla policies or contracts; (v) to collect amounts owed to La Jolla; (vi) when we believe disclosure is necessary or appropriate to prevent physical harm or financial loss or in connection with an investigation or prosecution of suspected or actual illegal activity; or (vii) if we, in good faith, believe that disclosure is otherwise necessary or advisable.

In addition, from time to time, server logs may be reviewed for security purposes – e.g., to detect unauthorized activity on the Sites. In such cases, server log data containing IP addresses may be shared with law enforcement bodies in order that they may identify users in connection with their investigation of the unauthorized activities.

4.1.4 *Information Disclosed in Connection with Business Transactions*

We reserve the right to disclose or transfer any information we have about you in the event of a proposed or actual purchase, any reorganization, sale, lease, merger, joint venture, assignment, amalgamation or any other type of acquisition, disposal or financing of all or any portion of our business or of any of the business assets or shares (including in connection with any bankruptcy or similar proceeding). Should such an event occur, La Jolla will endeavor to direct the transferee to use Personal Information in a manner that is consistent with this Privacy Policy.

4.2 Data Transfers

All Personal Information sent or collected via or by La Jolla may be stored anywhere in the world, including but not limited to, in the United States, in the cloud, our servers, the servers of our affiliates or the servers of our service providers. We will endeavor to ensure that any transfers of Personal Information of a Data Subject residing in the European Union outside of the European Economic Area will only be made where appropriate safeguards have been put in place. Your Personal Information may be accessible to law enforcement or other authorities pursuant to a lawful request. By providing information to La Jolla, you consent to the storage of your Personal Information in these locations.

5.0 Rights of Access, Rectification, Erasure and Restriction

We encourage you to update the information you provide to us, such as providing us with a new mailing or email address, a name change, or a change in the medical conditions that you have notified us about. This will help us continue to provide information to you that best meets your needs.

Where otherwise permitted by applicable law, you may use any of the methods set out in Section 8 of this Privacy Policy to request access to, receive (port), restrict Processing, seek rectification or request erasure of Personal Information held about you by La Jolla. Such requests will be Processed in line with local laws. Although La Jolla makes good faith efforts to provide Individuals with access to their Personal Information, there may be circumstances in which La Jolla is unable to provide access, including but not limited to: where the information contains legal privilege, would compromise others' privacy or other legitimate rights, where the burden or expense of providing access would be disproportionate to the risks to the Individual's privacy in the case in question or where it is commercially proprietary. If La Jolla determines that access

should be restricted in any particular instance, we will provide you with an explanation of why that determination has been made and a contact point for any further inquiries. To protect your privacy, La Jolla will take commercially reasonable steps to verify your identity before granting access to or making any changes to your Personal Information.

6.0 Retention

La Jolla retains the Personal Information we receive as described in this Privacy Policy for as long as you use our Sites or as necessary to fulfill the purpose(s) for which it was collected, provide our products and services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements and comply with applicable laws.

7.0 Security

The security of all Personal Information provided to La Jolla is important to us, and La Jolla takes reasonable steps designed to protect your Personal Information. Unfortunately, no data transmission over the Internet or storage of information can be guaranteed to be 100% secure. As a result, while La Jolla strives to protect your Personal Information, we cannot ensure or warrant the security of any information you transmit to La Jolla, and you do so at your own risk. You are responsible for maintaining the secrecy of your own passwords. If you have reason to believe that your passwords or Personal Information is no longer secure, please promptly notify Company at compliance@ljpc.com.

8.0 Redress/Compliance and Accountability

If after reviewing this Privacy Policy, you would like to submit a request or you have any questions or privacy concerns, please contact:

La Jolla Pharmaceutical Company
Corporate Headquarters
Attn: Compliance Officer
4550 Towne Centre Court
San Diego, California 92121
compliance@ljpc.com
Phone: (858) 207-4264

La Jolla will address your concerns and attempt to resolve any privacy issues in a timely manner.

9.0 Other Rights and Important Information

9.1 Information Regarding Children

Due to the nature of La Jolla's business, services and benefits are not directly marketed to minors. La Jolla does not knowingly solicit or collect Personal Information from children under the age of 13 (and in certain jurisdictions under the age of 16) from our Sites or online services. If we learn that we have collected Personal Information from a child under the age of 13 (and in certain jurisdictions under the age of 16) from our Sites or online services, we will promptly delete that information.

La Jolla may, however, collect Personal Information about a child under the age of 13 (and in certain jurisdictions under the age of 16) through his or her participation in research or clinical trials or as necessary to comply with regulatory requirements. La Jolla will obtain the prior consent of a child's parent or guardian prior to collecting such information.

9.2 California Privacy Rights

California law permits users who are California residents to request and obtain from us once a year, free of charge, a list of the Third Parties to whom we have disclosed their Personal Information (if any) for their

direct marketing purposes in the prior calendar year, as well as the type of Personal Information disclosed to those parties. La Jolla does not share Personal Information with third parties for their own marketing purposes.

9.3 Links to Third-Party Sites

Please note that our Sites may contain links to other websites for your convenience and information. La Jolla does not control Third-Party websites or their privacy practices, which may differ from those set out in this Privacy Policy. La Jolla does not endorse or make any representations about Third-Party websites. Any Personal Information you choose to give to unrelated Third Parties is not covered by this Privacy Policy. La Jolla encourages you to review the privacy policy of any company or website before submitting your Personal Information. Some Third Parties may choose to share their users' Personal Information with La Jolla; that sharing is governed by that company's privacy policy, not this Privacy Policy.

9.4 Changes to the Privacy Policy

La Jolla may update this Privacy Policy from time to time as it deems necessary in its sole discretion. If there are any material changes to this Privacy Policy, La Jolla will notify you by email or as otherwise required by applicable law. La Jolla encourages you to review this Privacy Policy periodically to be informed regarding how La Jolla is using and protecting your information and to be aware of any policy changes. Your continued relationship with La Jolla after the posting or notice of any amended Privacy Policy shall constitute your agreement to be bound by any such changes. Any changes to this Privacy Policy take effect immediately after being posted or otherwise provided by La Jolla.

9.5 Compliance

This Privacy Policy shall be implemented by La Jolla and all its operating divisions, subsidiaries and affiliates. La Jolla has put in place mechanisms to verify ongoing compliance with Privacy Shield Principles and this Privacy Policy. Any Employee that violates these privacy principles will be subject to disciplinary procedures.

10.0 Definitions

"Agent" means any third party that processes Personal Information pursuant to the instructions of, and solely for, La Jolla or to which La Jolla discloses Personal Information for use on its behalf.

"Data Subject" is an identified or identifiable natural person. A Data Subject may be an Employee, an Individual or any other natural person.

"Employee" refers to any current, temporary, permanent, prospective or former employee, director, contractor, worker or retiree of La Jolla or its subsidiaries worldwide.

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations.

"Personal Information" is 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.

"Privacy Shield Principles" collectively means the seven (7) privacy principles as described in the Privacy Shield: (1) notice, (2) choice, (3) accountability for onward transfer, (4) security, (5) data integrity and purpose limitation, (6) access, and (7) recourse, enforcement and liability. Additionally, it includes the sixteen (16) supplemental principles described in the Privacy Shield: (1) sensitive data, (2) journalistic exceptions, (3) secondary liability, (4) performing due diligence and conducting audits, (5) the role of the

data protection authorities, (6) self-certification, (7) verification, (8) access, (9) human resources data, (10) obligatory contracts for onward transfers, (11) dispute resolution and enforcement, (12) choice – timing of opt-out, (13) travel information, (14) pharmaceutical and medical products, (15) public record and publicly available information, and (16) access requests by public authorities.

“Process” or “Processing” means any operation which is performed upon Personal Information, whether or not by automatic means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

“Protected Health Information” is a subset of Personal Information and has the meaning set out in HIPAA, and in particular at 45 C.F.R. § 160.103, as it may be amended from time to time.

“Sensitive Data” or “Sensitive Personal Information” is a subset of Personal Information which, due to its nature, has been classified by law or by policy as deserving additional privacy and security protections. Sensitive Personal Information includes Personal Information regarding EU-residents that is classified as a “Special Category of Personal Data” under EU law, which consists of the following data elements: (1) race or ethnic origin; (2) political opinions; (3) religious or philosophical beliefs; (4) trade union membership; (5) genetic data; (6) biometric data where Processed to uniquely identify a person; (6) health information; (7) sexual orientation or information about the individual’s sex life; or (8) information relating to the commission of a criminal offense.

“Third Party” is any natural or legal person, public authority, agency or body other than the Data Subject, La Jolla or La Jolla’s agents.