

## Privacy Notice for the Whistleblowing Unit

We have been helping people maintain or regain their freedom of movement since 1919. For us, digitalising the treatment process means protecting your freedom of movement in the digital world as well. It is therefore important for us to tell you what personal data we collect, how these data are used and what design options you have.

The success of Ottobock depends not only on the global networking of information flows between the Ottobock companies, employees, customers and patients, but above all on the trustful, secure handling of personal data.

The Ottobock SE & Co. KGaA, Max-Näder-Straße 15, 37115 Duderstadt, (hereinafter referred to as "Ottobock" or "we"), together with the respective participating Ottobock SE & Co. KGaA's affiliate company, operates the Whistleblowing Unit, consisting of

- the website and Whistleblower System (hereinafter referred to as the "Website"), which is accessible on the Internet at <https://ottobock.whistleblownetwork.net/> and the respective sub-directories, as well as
- an external ombudsperson

With this Privacy Policy, we inform you about which data we process when you visit our website and file a report. Therewith we also fulfil our obligations from the Art. 13 and Art. 14 of the General Data Protection Regulation (GDPR).

## Responsibles

The joint controller for the data processing on the website are the following Ottobock entities:

Ottobock SE & Co KGaA

Max-Näder-Strasse 15, 37115 Duderstadt, Germany

and

the participating affiliate companies, which in individual cases (if a note refers to one or more participating affiliates) are jointly responsible with Ottobock SE & Co. KGaA in each case.

The participating Ottobock SE & Co. KGaA's affiliate companies are listed at the end of these notes.

## Data Protection Officer

Data Protection Officer of the Legal Entity: Bjoern Holland

Ottobock has also appointed a Global Data Privacy Officer: Bjoern Holland

You may reach the Data Privacy Team of the Ottobock Group confidentially via [contact form](#).

## Use of our website

### Secure provision of the website

In case you visit our website, the web server temporarily collects the following information to display the website. Storage does not take place.

## Processed categories of data:

- Browser type and version,
- operating system used,
- Referrer URL,
- browser string
- Hostname of the accessing computer,
- Time of the server request and
- IP address.

## Purposes:

The interest of Ottobock and its participating affiliate companies is the secure and functional operation of the Whistleblower System. The logged data is used in particular for the purposes of data security, to defend against attempts of attack on our web servers. We reserve the right to carry out statistical evaluation of anonymous data records.

## Legal basis:

The processing of this data is based on Art. 6 para. 1 f GDPR: We have a legitimate interest in ensuring data security and trouble-free operation.

## Storage periods or criteria for determination:

The aforementioned categories of data are not stored.

## Reporting

The Whistleblowing Unit has limited functionality. It primarily serves as a "mailbox" for receiving the reports and communicating with the reporting person, if necessary.

In addition, the reporting person can provide further information. The reporting person can also choose whether he or she wishes to remain anonymous or to provide one's name. For the Whistleblower System, the reporting person can also open and access a secure section with an individual PIN code so that Ottobock can inform that person about the progress or ask follow-up questions.

## Processed categories of data:

- Contact details, if provided
  - Name
  - Email-address
  - Phone number
- Topic-specific information
  - Content of the reported incident
  - Which country
  - Which company
  - Other information (if given) could include but is not limited to: bank data, documents and their content, working time records, photos, video surveillance, etc.
  - Any metadata existing in the documents, provided they have not been deleted

## **Purposes:**

The Whistleblowing Unit is used to report serious violations against laws or our internal provisions regarding fraud, corruption, theft, discrimination, sexual harassment, extortion, breaches of secrecy, export control, accounting irregularities, environmental protection, health and safety as well as child and forced labor.

When reports about less serious matters such as dissatisfaction with the salary or difficulties in working together are received, these are deleted and the case is closed.

If you notice that you have entered incomplete or incorrect information in the Whistleblower System, simply create a new entry in the system and refer to the previous report. If you created a secure mailbox while filing a report, changes can be made afterwards by logging on to the system with your case number and the password you created.

### Submitting of anonymous reports

You are free to decide if you wish to submit a report including your personal information or anonymously.

When a report is created in the Whistleblower System using a computer in the company network, the visit to the website may be stored in the browser history. To exclude this risk, clear the browser history after ending your session.

If you upload documents, please be aware that documents can contain metadata that may reveal the identity of the originator. You should therefore ensure that all metadata are removed from the documents before you upload them to the Whistleblower system.

### Submitting a report under your name

If you enter your name and address, please note that your employer may use this personal information in subsequent legal proceedings or an investigation of the case. Your employer guarantees that your data privacy rights apply with no restrictions and the information will only be used as described above. If you decide to enter your personal information in the Whistleblowing Unit, there is a risk that you may be called as a witness in legal proceedings.

## **Legal basis:**

Performance of the employment relationship (§ 26 Sec. 1 sent 1 BDSG):

Data processing within the scope of investigatory measures may be necessary, among other things, for the initiation and termination of the employment relationship with employees. This applies, for example, to investigatory measures to uncover violations of duty under the employment relationship which do not constitute a criminal offence. Investigatory measures may also be necessary for the performance of employment relationships.

Investigation of criminal offences (§ 26 Sec. 1 sent 2 BDSG):

If investigatory measures serve to uncover possible criminal offences in the context of employment relationships, they may be justified in accordance with Sec. 26 (1) Sentence 2 BDSG. However, Ottobock will only base the respective data processing on Sec. 26 (1) Sentence 2 BDSG if documented factual indications substantiate the suspicion of a criminal offence in the employment relationship and the interests of the data subjects are not outweighed.

Implementation of legal obligations (Art. 6 (1) lit. c GDPR), i.e. §§. 130, 30 of the German Administrative Offences Act (OWiG) and §§ 93, 111 AktG.:

Ottobock is subject to comprehensive legal supervisory and compliance obligations. The investigatory measures carried out by Ottobock and/or the participating Ottobock SE & Co. KGaA's affiliate companies thus also serve, among other things, to ensure compliance with these legal obligations of Ottobock.

Protection of legitimate interests (Art. 6 (1) lit. f) GDPR):

Ottobock will ensure that the operating of the compliance Whistleblowing Unit to protect legitimate interests are only carried out if they do not outweigh the conflicting legitimate interests and rights of the affected employees. Ottobock may also process your data in order to protect its own or a third party's legitimate interests. These legitimate interests may include, among other things:

- Legal defense: Reporting of incidents shall prevent damage to its own company. In this respect, data processing can also serve the legitimate interests of Ottobock in the form of assertion, defense and exercise of legal claims.
- Improving compliance structures: Reporting of incidents can also indirectly serve to improve Ottobock's internal compliance structures. For example, the Ottobock can identify and eliminate possible weaknesses in its internal compliance organization. This is also a legitimate interest of Ottobock.
- Support of data subjects: Among other things, reporting of incidents can also serve to discharge data subjects from wrong accusations. This is basically a legitimate interest of a third party.

Compliance with foreign legal regulations:

In addition to national and EU regulations, Ottobock is also subject to comprehensive legal regulations of countries outside the EU. These include, for example, anti-corruption or competition guidelines under US law. Ensuring compliance with such foreign legal regulations can also be a legitimate interest.

In the case of content involving special categories of personal data pursuant to Art. 9 (1) GDPR, the legal basis is, by way of derogation, Art. 9 (2) f) GDPR or Section 26 (3) sentence 1 BDSG.

#### **Storage periods or criteria for determination:**

If you provide your personal data and we process this data, this is done for the purpose of following up on your tips, which is also our legitimate interest in the processing (Art. 6 Sec. 1 lit. f) GDPR).

- Case data relating to the Whistleblower System: Data is stored by Ottobock for 1.260 days (3 years and 6 Month) after a case is closed (automatized deletion in the digital Whistleblower System). The participating Ottobock SE & Co. KGaA's affiliate companies delete submitted reports in their own responsibility in accordance to the applicable national laws.
- In single cases the data are stored for a longer period, in case a Controller has a legitimate interest to store the data for a longer period than the aforementioned (e.g. defending against or pursuing legal claims).
- Case data relating to the external ombudsperson: Data transmitted in the context of reports are generally stored in the active database for the duration of the respective investigation proceedings or until the conclusion of any subsequent proceedings or for a maximum of two months after the conclusion of the investigation proceedings. In addition, further storage takes place on the basis of legal requirements to which the external ombudsperson is subject due to professional deadlines as lawyers. This includes, in particular, the storage of data collected in the course of the performance of the activities until the expiry of the statutory retention obligations for lawyers for a period of six years after the end of the calendar year in which the mandate was terminated, the storage of data pursuant to Article

6 (1) sentence 1 lit. c GDPR due to retention and documentation obligations under tax and commercial law (including from the German Commercial Code (HGB), the German Criminal Code (StGB) or the German Tax Code (AO)) for a period of up to ten years or also storage due to the provisions of the German Civil Code.

## Information on the use of cookies and other technologies

To ensure that our Whistleblower System is displayed in the language that suits you we use a session cookie on the website. This cookie is deleted as soon as you close the browser.

Name of Cookie	Provider	Validity	Purpose
"Cookie for language setting"	EQS	Session	For language setting

## Your rights

You have the right,

- a) to request **confirmation** as to whether we are processing personal data concerning you. If this is the case, you have the right to **access** information about this processing (Art. 15 GDPR).
- b) to demand the **rectification** or completion of inaccurate or incomplete data (Art. 16 GDPR);
- c) in certain cases (Art. 17 GDPR) to request the **erasure of** data;
- d) under certain conditions, to request the **restriction of** processing; (Art. 18 GDPR);
- e) under certain conditions to **data portability**, i.e. you may receive your data, which you have provided us with, in a structured, common and machine-readable format or have it transferred to another controller (Art. 20 GDPR);
- f) to **complain** to a **supervisory authority** (Art. 77 GDPR).

### Right to object (Art. 21 GDPR)

**You have the right to object at any time, for reasons arising from your particular situation, to the processing of personal data concerning you (Art. 6 I lit. f GDPR). This also applies to profiling based on these provisions. We will then no longer process the personal data, unless we can demonstrate compelling legitimate grounds for processing which override your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.**

## From whom we receive data and to whom we share information

We do not only process personal data that we collect directly from you. When notices are received, they are usually given by third parties about a person. In these cases, the whistleblower is the source of the data collection.

In general the information recorded in the Whistleblower Unit is only shared with the competent ottobock entity and otherwise not shared with third parties outside the organisation. However, sharing the information with third parties may occur under the following circumstances:

**To processors** – companies that Ottobock commissions with the processing of data within the legally stipulated framework (Art. 28 GDPR - service provider). In this case Ottobock remains responsible for the protection of your data. Our processors are carefully selected, are bound by our instructions and are regularly checked by us. We only commission processors who offer sufficient guarantees that suitable technical and organizational measures are taken in such a way, that processing is carried out in accordance with the requirements of GDPR and guaranteeing the protection of your rights. We use external service providers insofar as we cannot or cannot reasonably perform services ourselves. These external service providers are primarily providers of IT services, such as our hosting, e-mail or telecommunications provider.

Got Ethics GmbH operates the Whistleblower System on our behalf. We have implemented the required technical and organizational steps to ensure that personal information is not lost or destroyed unintentionally or illegally, nor used or disclosed without prior permission. The personal information is processed subject to strict controls and procedures, and in compliance with the General Data Protection Regulation (GDPR). All data storage and transmission is encrypted. No data are sent over the Internet without encryption.

**To private entities**, such as submission to an external lawyer or auditor related to the processing of the case in the report.

**To government agencies** to which we transfer certain data due to legal obligations. To courts if the report leads to legal proceedings.

## Transfer of personal data to countries outside the EU and EEA

We may transfer your data to entities whose registered office is located outside the European Union or the European Economic Area, provided that the content of the notification falls within the compliance responsibility of that participating affiliate company. In doing so, we will ensure prior to the transfer, that apart from exceptional cases permitted by law, either an adequate level of data protection exists at the recipient's end (e.g. through an adequacy decision by the European Commission, through appropriate safeguards such as the agreement of so-called EU standard contractual clauses of the European Commission with the recipient) or your expressed consent has been obtained. Information on suitable safeguards may be obtained from the Global Data Privacy Officer.

## Joint Control in connection with the website

For the processing activities for the Whistleblowing Unit, the above-mentioned participating Ottobock SE & Co. KGaA's affiliate companies shall jointly determine the purposes and means of the processing and shall thus be jointly responsible for it. Internally, the Ottobock SE & Co. KGaA is responsible for providing the Whistleblowing Unit and for its compliance with the GDPR's data protection principles. The Ottobock SE & Co. KGaA also receives your reports as a first point of contact and will then sight and forward the reports to the concerned participating Ottobock SE & Co. KGaA's affiliate company, which is then solely responsible for the investigation. The entity may inform you separately about any processing in this regard.

You may assert your data subject rights in connection with the processing in joint controllership against all responsible parties so that the joint controllership will not lead to any disadvantages for you.

## Obligation to provide data and existence of automated decision-making (including profiling)

You have no contractual or legal obligation to provide us with personal data.

We do not use any automated decision-making, including profiling in accordance with Art. 22 (1) and (4) DSGVO, which would have legal effects on you or affects you similarly.

## Participating Ottobock SE & Co. KGaA's affiliate companies in the Whistleblowing Unit (Whistleblower System and external ombudsperson)

<b>Otto Bock Australia Pty. Ltd.</b>
<b>Otto Bock Benelux B.V.</b>
<b>Otto Bock Iberica S.A.</b>
<b>Otto Bock Scandinavia AB</b>
<b>Otto Bock Service Moskau</b>
<b>Otto Bock do Brasil Ltda.</b>
<b>OTTO BOCK – ORTOPEDIC TECHNIQUE LLC (RUS)</b>
<b>Ottobock (China) Industries Co., Ltd.</b>
<b>Indústria Ortopédica Otto Bock, Unipessoal Lda. (OB Portugal)</b>
<b>Otto Bock South East Asia Co. Ltd.</b>
<b>Otto Bock Argentina S.A.</b>
<b>Otto Bock de Mexico S.A. de C.V.</b>
<b>Otto Bock Holding B.V.</b>
<b>Otto Bock Japan K.K.</b>
<b>John &amp; Bamberg GmbH &amp; Co. KG</b>
<b>Otto Bock Asia Pacific Ltd.</b>
<b>Otto Bock Polska Sp. Z.o.o.</b>
<b>Otto Bock HealthCare India Pvt. Ltd.</b>
<b>Otto Bock CR s.r.o.</b>
<b>Otto Bock HealthCare Deutschland GmbH</b>
<b>Otto Bock Hungária Kft.</b>
<b>Otto Bock HealthCare Andina SAS (COL)</b>
<b>Otto Bock Romania SRL</b>
<b>Otto Bock Servicii Ortopedice SRL</b>
<b>Otto Bock Slovakia s.r.o.</b>
<b>CLINICA DE REABILITAÇÃO OTTOBOCK RIO DE JANEIRO LTDA.</b>
<b>Otto Bock International (Beijing) Co. Ltd.</b>
<b>Otto Bock Nizhniy Novgorod</b>
<b>Otto Bock Voronezh ooo</b>
<b>Otto Bock St. Petersburg ooo</b>
<b>Otto Bock Bulgaria</b>
<b>Otto Bock Chile S.p.A.</b>
<b>Otto Bock Mobility LLC (RUS)</b>
<b>Otto Bock South Africa (Proprietary) Limited</b>
<b>Otto Bock HealthCare Andina SAS (Ecuador)</b>
<b>CLINICA DE REABILITAÇÃO OTTOBOCK SÃO PAULO LTDA.</b>

<b>Otto Bock HealthCare Andina SAS (Peru)</b>
<b>Respecta Oy</b>
<b>Pohlig GmbH</b>
<b>Pohlig Austria GmbH &amp; Co. KG</b>
<b>Otto Bock Equipment B.V.</b>
<b>Polior Industria e Comercio de Produtos Ortopedicos LTDA.</b>
<b>SOUTHERN PROSTHETICS &amp; ORTHOTICS PTY LTD</b>
<b>OTTOBOCK INDÚSTRIA E COMÉRCIO, IMPORTAÇÃO E EXPORTAÇÃO DE CADEIRAS DE RODAS LTDA. (OB Mobility Solutions BRA)</b>
<b>Otto Bock Vietnam Company Limited</b>
<b>Orthopraxis SAS</b>
<b>Ottobock Uruguay S.A.</b>
<b>Aktiv Ortopedteknik i Sverige AB</b>
<b>CLINICA DE REABILITAÇÃO OTTOBOCK PORTO ALEGRE LTDA.</b>
<b>Ottobock Lanka (Private) Limited</b>
<b>Otto Bock Middle-East FZ-LLC (Dubai)</b>
<b>Otto Bock SA Holding (Pty.) Ltd.</b>
<b>CLINICA DE REABILITAÇÃO OTTOBOCK CURITIBA LTDA.</b>
<b>Ottobock Manufacturing Bulgaria EOOD</b>
<b>V!GO International NV</b>
<b>V!GO NV</b>
<b>V!GO Ortho Polska Sp. Z.o.o.</b>
<b>Orthopedie Thuër BVBA</b>

## Participating Ottobock SE & Co. KGaA's affiliate companies - external ombudsperson only

<b>Otto Bock Italia S.R.L.</b>
<b>Otto Bock Healthcare Products GmbH</b>
<b>OTTO BOCK SOLUZIONI ORTOPEDICHE SRL</b>

The contact details for the listed companies may be found [here](#)

## Changes to this privacy policy

We will revise this privacy notice whenever changes are made to this website or other reasons that require it. You will always find the current version on this website.

**State of declaration: 3rd December 2021**