

European Privacy Notice
Notice Effective Date: **February 1, 2020**

This European Privacy Notice (“Notice”) applies to personal data from European Union (EU), European Free Trade Association (EFTA) countries or Switzerland that is collected by Intuitive Surgical, Inc. and affiliated companies (collectively, “Intuitive”, “we”, “us”). The personal data covered by this Notice is generally collected for Intuitive’s legitimate business interests, although it may sometimes be collected based on a contract with you or with your consent.

We additionally provide distinct privacy notices for selected services that use personal data. If you are a user of such services, please refer to such service specific privacy notices for additional details. Similarly, we may also provide privacy notices with more information for specific regions.

For purposes of this Notice, “Personal Data” means any information relating to an identified or identifiable natural person as defined by the European General Data Protection Regulation (“GDPR”).

Our mission and focus are to operate transparently in a way that protects the rights and preserves the trust of everybody whose Personal Data we use. With this objective, our general use and collection of Personal Data is guided by the following “principles”:

- We comply with all applicable data privacy laws and regulations
- We do not sell your Personal Data to anyone
- We store data with industry-standard information technology and cloud services, following industry standard practices to maintain confidentiality, integrity and availability.

Controller and Data Privacy Contact Details

Intuitive is the controller of your Personal Data. Our principal locations are:

- Intuitive Surgical Inc., 1020 Kifer Road, Sunnyvale, California 94086, **United States**
- Intuitive Surgical Sàrl, 1 Chemin des Mûriers, 1170 Aubonne, **Switzerland**
- Intuitive Surgical SAS, 11 avenue de Canteranne, 33600 Pessac, **France**

You may find additional contact information here:

<https://www.intuitivesurgical.com/company/locations-representation/>

To exercise your rights, to obtain details of our data transfer safeguards, or for any other questions related to Personal Data, you may contact our data protection office by emailing data.privacy@intusurg.com.

When necessary, we may request identifying information from you to confirm your identity. We will respond to requests in accordance with applicable data protection law.

Intuitive’s Collection and Use of Personal Data

Website Users

If you are a user of our websites, we may collect your Personal Data by using cookies. Please see the cookie section in our [Privacy Policy](#) for details.

If you also complete our web forms, we may collect your information like:

- **Personal identification data** like name, contact details, time zone and preferred language.
- **Professional data** like title, role, employer, professional specialty, professional interests and identification number.
- And any other information that you choose to provide to us.

We may use the Personal Data of Website Users for purposes including, but not limited to:

- Creating aggregated statistics on website usage
- Responding to your requests you have submitted through our website
- Providing you information about our current and future products and services
- Conducting market research
- Improving our products or services
- Providing a general resource for our research and business development
- As necessary for network and information security, fraud prevention, reporting suspected criminal acts, and for ensuring compliance with the applicable laws and regulations

Third Party Representatives

If you are an employee, director, officer, agent, consultant, advisor (“Representative”) of our customers, suppliers, service providers, consultants, distributors, regulatory agencies and others (“Third Party”) with a professional relationship or an interest related to Intuitive’s or related products or services, we typically collect the following type of Personal Data:

- **Identification data** like name, phone number, email address and postal address
- **Professional data** like employer, work contact information and job title

And depending on your relationship with Intuitive, we may also collect for ex. your:

- **Identification data** like date of birth and passport number
- **Personal characteristics** like travel and meal preferences
- **Professional data** like resume, professional memberships, training and travel records
- **Financial data** like compensation and bank account details
- **Recordings** like pictures, audio or video
- **Profiling data** like professional interests
- Any other information you choose to provide to us.

We may use your Personal Data for purposes including, but not limited to:

- Relationship and contract management
- Sales, order fulfilment, distribution and invoicing of products and services
- Purchasing products and services for Intuitive
- Coordinating support and preventative maintenance of our products
- Marketing and providing information about our products and services
- Coordinating travel, site visits and other events

- Evaluating and coordinating clinical trials and related studies and projects
- Customer efficiency, cost saving, process and program performance
- Improving our products, services and processes e.g. compensation analysis, budgeting, planning, market research and analysis, surveys, providing performance information, sponsored agreements and complaints handling
- Ensuring compliance with applicable laws and regulations, e.g. legal advice, negotiation, fraud prevention and, and including EU and US laws and regulations such as the French Sunshine Act and the Physician Payments Sunshine Act
- Network security
- Providing a resource for our research and business development.

System Users

While being a Third Party Representative, you may also be a System User if you are a surgeon, hospital resident or fellow, medical student, proctor or otherwise use, have used, or may use medical devices manufactured by us. From System Users we may additionally collect:

- **Professional data** relevant to the use of our products like professional experience, system related training, and procedure related information
- Ergonomic and other user-defined system settings that are associated with a user-defined identifier

We may use System User's Personal Data for additional purposes including, but not limited to:

- Learning and professional education: course enrollments, training recommendations and management
- Proctoring, speaking engagements and consultancy related interactions
- Procedure reporting

Personal Data transfers and third party access

We share Personal Data with affiliated Intuitive companies. If we transfer your data to another data controller, for example, when signing you up for a training provided by a third party training center, we do that only with your permission. We may also use service providers to process Personal Data on our behalf, for example to provide hosting, communications and logistics services, market research and surveys, database and analytics services, as well as attorneys, accountants and banks.

Your Personal Data may be transferred to countries where the local legislation provides a different level of protection for your Personal Data and rights. If that is the case, we use appropriate safeguards like Standard Contractual Clauses approved by the European Commission. We are also certified under EU-US and Swiss-US Privacy Shield frameworks. Please note that when your data is transferred to United States, there is a possibility that U.S. authorities may have access to your Personal Data.

We may be required to disclose, and may disclose Personal Data in response to lawful requests as part of a legal proceeding or by public authorities.

Data Retention

We keep your Personal Data as long as needed to guarantee our commitments related to our products and services, and to maintain the professional relationship over time. We may keep your Personal Data longer if required by applicable law or where we have a legitimate and lawful purpose to do so.

Your Rights

As provided by applicable data protection laws, you may have the following rights:

- Right of access
- Right of data portability
- Right of rectification
- Right of erasure
- Right to restriction of processing
- Right to object to processing

If our data processing is based on your consent, you may withdraw your consent at any time. Withdrawal of consent will not affect the lawfulness of processing done before the withdrawal.

To exercise your rights, you may contact our data protection office by emailing data.privacy@intusurg.com.

If you believe your Personal Data has been processed in violation of an applicable data protection law, you have the right to lodge a complaint with the relevant data protection authority. Intuitive is registered in European Union with the French data protection authority CNIL. You may find CNIL's contact information here: <https://www.cnil.fr/en/contact-cnil>.

Automated Decision Making

We do not use the Personal Data described herein for automated decision-making, including profiling, that produces legal effects or similarly significantly affects you.

Requirement to Provide Data

You are not required to provide your Personal Data to us, although some information may be provided by you, your employer or associated hospital under contract with us. However, not providing some of the information may impact our ability to support your or your employer/hospital's use of certain product features or functionality, including the use of relevant training materials or metrics.

How We Protect Your Data

The security and confidentiality of your Personal Data is important to us. We store Personal Data with industry-standard information technology and cloud services, following industry standard practices to maintain confidentiality, integrity and availability.

Changes to This Notice

If anything changes, we will update this Notice and the Notice Effective Date.