



## PRIVACY NOTICE

*Effective Date: 16 December 2019*

### What is this Notice about?

Marken Limited ("**Marken**", "**we**" or "**us**") have prepared this Privacy Notice ("**Notice**") for:

- all visitors or users of online.marken.com, marken.com, and any successor website or application thereto (collectively, the "**website**");
- all visitors or users of Marken Maestro™, Marken Solo™, Marken Fast Track™ and Marken Apollo™ (collectively "**Marken platforms**");
- any individual who interacts with Marken via Marken website, emails, call centre (including online job applicants); and
- any individual who receives promotional communications from Marken, (collectively, the "**Individuals**" or "**you**").

This Notice explains the types of personal data we collect and use about you (and in which circumstances we do so), who we share this data with, how we protect it, and your rights in relation to this data. We are fully committed to protect your privacy by complying with this Notice and any applicable law.

Your use of the website is also governed by our [Terms of Use](#).

Please note the arbitration provision set forth below, which may require you to arbitrate any claims you may have against us on an individual basis. ARBITRATION ON AN INDIVIDUAL BASIS MEANS THAT YOU WILL NOT HAVE, AND YOU WAIVE, THE RIGHT FOR A JUDGE OR JURY TO DECIDE YOUR CLAIMS, AND THAT YOU MAY NOT PROCEED IN A CLASS, CONSOLIDATED OR REPRESENTATIVE CAPACITY.

### What categories of personal data does Marken collect about you?

"**Personal data**" means any information that (either in isolation or in combination with other information held by us) identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with an individual or household. Information regarding our collection of personal data is detailed below.

We do not collect the information of any individual under 16 years of age unless that individual is enrolled in a clinical trial for which we are engaged to provide services. In the event that we learn that a child under the age of 16 has provided personal data to us other than in the context of a clinical trial, we will delete or destroy such personal data as soon as possible.

### Information you give us

When you interact with us you may voluntarily provide us with information about you to enable us receiving and responding to your queries, providing you with our online services (e.g. shipment tracking), contacting you with information about our services and promotions, enabling your login access to certain areas or services of our website (such as the Marken platforms).

Examples of personal data you may give us include your email address, phone number, login, information regarding your job application with us, your marketing preferences, queries you submit to us (although these

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queries usually concern commercial / business information and only rarely include personal data relating to you or others).

**Other information we collect about you and information we receive from third-party sources**

*(i) Cookie information*

When you visit our website, we may use cookies and other technologies to collect the following information:

- technical information, including the Internet Protocol (IP) address used to connect your device to the internet, your login information (if any), browser type and version, device identifier, location and time zone setting, browser plug-in types and versions, operating system and platform, page response times, and download errors; and
- information about your visit on our website, such as the website pages and sections you visit on our website, your searches and browsing history on our website, time and length of visits to our website, page interaction information (such as scrolling, clicks, and mouse-overs).

To learn more about how we use cookies and how to control which cookies are used, please see our Cookie Policy available on our website, [click here](#) to view our cookie policy.

*(ii) Marketing and social media analytics information*

We also collect information about your interactions with our marketing and promotional emails (where we are entitled to contact you with such communications). This information is provided to us by marketing analytics providers that we engage to monitor our marketing performance with a view to improve our campaigns and reach out to you in a better way.

We may also collect information about your interactions with Marken on social media. This information includes, for example, "likes", "share", "follow" actions and your comments to Marken content (e.g. if you share a Marken website page on social media). We gather this information through third-party social media analytics providers that we engage for this purpose. We use this information only at an aggregate and anonymised level to measure the impact of and improve our content or marketing campaigns.

**Personal Data Categories**

Below, we describe the categories of personal data collected, the sources from which we collect this information, the purpose of our collection and how we disclose these categories to third parties. For our retention policy regarding the below categories, see the section "How long does Marken keep your personal data?" We will never sell your data to third parties.

Category of Personal Data	Source(s)	Purpose(s)	Disclosure to third parties
<b>Identifiers</b> , which may include name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, telephone	Directly from you  Indirectly from you (e.g., from observing your actions on our website)  From third-party service provider	To fulfill or meet the reason you provided the information, e.g., to respond to an inquiry	Disclosure for business purposes to: internet service providers

number, or other similar identifiers			
<b>Personal information categories listed in the California Customer Records statute</b> (Cal. Civ. Code § 1798.80(e)), which may include name, address, telephone number, education, employment, employment history	Directly or indirectly from you	To fulfill or meet the reason you provided the information, e.g., to respond to an inquiry, to update our Apollo database	Disclosure for business purposes to: internet service providers and clinical trial investigators
<b>Professional or employment-related information</b> , which may include your CV and other qualifications	Directly from you	To fulfill or meet the reason you provided the information	Disclosure for business purposes to: clinical trial investigators and other related parties
<b>Internet or other similar network activity</b> , which may include browsing history, search history, information on a consumer's interaction with a website, application	Indirectly from you (e.g., from observing your actions on our Site)  From third-party service provider, such as a data analytics provider	To fulfill or meet the reason you provided the information, e.g., to provide user experience on the website	Disclosure for business purposes to: third party service providers

### Why do we use your personal data and on which legal bases?

Here, we provide additional information regarding the purposes of collection and our legal bases for collecting information from you.

We may use your personal data to:	What is the legal basis for us using your data for this purpose?
<b>Provide you with customer reserved access to our website for shipment tracking and similar services. In particular, we need to authorise and verify your identity.</b>	This is an added value to our services to customers. Data processing is necessary to pursue our legitimate interest to provide you with reserved access to our website. We believe that our legitimate interest overrides your privacy rights (also considering the adequate security measures we implement to protect your personal data).
<b>Provide you with technical assistance to access and use our online services (e.g. if you have lost or forgotten your password to access Marken Maestro, Marken Solo or Marken Apollo).</b>	Data processing is necessary to pursue our legitimate interest to enable your usage of our online services as well as your interest to access such services. We believe that our legitimate interest overrides your privacy rights

We may use your personal data to:	What is the legal basis for us using your data for this purpose?
	(also considering the adequate security measures we implement to protect your personal data).
<p><b>Ensure the security of the information we hold about you and our website (e.g. implementation of safeguards against illegal or fraudulent activity such as cyber-attacks).</b></p>	<p>Data processing is necessary to pursue our legitimate interest to monitor how our website is used to detect and prevent fraud, other crimes and the misuse of our website. This helps us to ensure that you can safely use our website. It is also our legal obligation to protect your personal data with adequate technical measures.</p>
<p><b>Respond to your enquiries (via email, phone call, or online form).</b></p>	<p>Data processing is necessary to pursue our legitimate interest to provide you with the information you have requested to us or respond to your enquiries. It is also in your interest to receive a response and being contacted for enquiries you have voluntarily submitted. We believe that our legitimate interest overrides your privacy rights (also considering the adequate security measures we implement to protect your personal data).</p>
<p><b>Provide you with access to and use of the Marken platforms, which allow you to interact with us, obtain valuable information about your products and shipments, and in relation to Home Health Care ("HHC") Services to allow you to access and record information on Marken Apollo.</b></p>	<p>Data processing is necessary to pursue our legitimate interest to offer an added value to our logistics and storage services which enables you access important information about your shipment or the storage of your products. Depending on the Marken platform used, this can include making and updating a booking, reviewing shipment status, tracking dispatch status and reviewing storage information. In relation to Marken Apollo this can include arranging health care professional visits and storage of information in relation to the HHC Services. We believe that our legitimate interest overrides your privacy rights (also considering the adequate security measures we implement to protect your personal data).</p>
<p><b>Record your interactions with our Marken website to provide you with enhanced marketing or other services which are requested or authorised by you or permitted by applicable law. We do not directly identify you by name, but we may record your IP address and details about your website usage e.g. searches and browsing history on our website through cookies or similar technologies. You can find more information about cookies in our <a href="#">Cookie Policy</a>.</b></p>	<p>Data processing is necessary to pursue our legitimate interest to understand our website audience better so as to tailor our marketing and online services to you. We believe that our legitimate interest overrides your privacy rights (also considering the adequate security measures we implement to protect your personal data and the absence of any solely automated-decision making about you which significantly impacts on you). Furthermore, we use cookies only in accordance with the law.</p>

We may use your personal data to:	What is the legal basis for us using your data for this purpose?
<p>Contact you to update you about us, our services and promotions (provided you have consented to this where required under applicable law). For example, we could email you to invite you to an event or tell you about a new service offer.</p>	<p>Where consent is required under applicable law, we will ask for your consent before processing your information for marketing purposes. Where consent is not required by applicable law, we will rely on the necessity to pursue our legitimate interest to promote our materials in a way which respects your privacy rights and enables you to object to this use of your personal data and opt-out from our marketing communications at any time.</p>
<p>Conduct marketing research and analytics to analyse and improve our marketing campaigns (as explained above at <u>What categories of personal data does Marken collect about you?</u>”).</p>	<p>Data processing is necessary to pursue our legitimate interest to monitor the performance and results of our marketing efforts with a view to constantly improve our marketing actions and better tailor them to our audience's interests. We believe that our legitimate interest overrides your privacy rights (also considering the adequate security measures we implement to protect your personal data).</p>
<p>Analyse and improve our profile and impact on social media. As explained above (at "<u>What categories of personal data does Marken collect about you?</u>”), the information we collect for this purpose is processed by us (or on our behalf) in aggregate and anonymised form.</p>	<p>Data processing is necessary to pursue our legitimate interest to monitor the performance and results of our marketing efforts with a view to constantly improve our marketing actions and better tailor them to our audience's interests. We believe that our legitimate interest overrides your privacy rights (also considering the adequate security measures we implement to protect your personal data).</p>
<p>Collect, process and respond to your online job applications with us.</p>	<p>Data processing is necessary to pursue our legitimate interest to select our personnel. It is also in your interest as job applicant to receive receipt of acknowledgement, response to and further communications regarding your application. We believe that our legitimate interest overrides your privacy rights (also considering the adequate security measures we implement to protect your personal data).</p>
<p>Comply with legal requirements and assist government and law enforcement agencies or regulators/supervisors.</p>	<p>Data processing is necessary for the purposes of complying with legal requirements to which we are subject.</p>
<p>Improve our website (accessibility, usability, user-friendliness, interaction with external links and plug-ins, etc.). For this purpose, we may</p>	<p>Data processing is necessary to pursue our legitimate interest to improve your experience and usability of our website. We believe that it is in your interest too to receive from us enhanced website services. We believe that our legitimate interest overrides your privacy rights</p>



We may use your personal data to:	What is the legal basis for us using your data for this purpose?
<b>collect personal data which is then processed in aggregate form.</b>	(also considering the adequate security measures we implement to protect your personal data).
Record and manage your marketing choices (e.g. record your opt-in to marketing where opt-in is required by applicable law and keep an up to date suppression list where you have asked not to be contacted, so we do not inadvertently re-contact you).	We need to process this information about you to address your rights and abide by our obligations under applicable law.

## Who does Marken transfer your personal data to?

### **Marken / UPS group of companies**

As Marken is part of a wider group with headquarters in the US, and offices located across the globe, which all collaborate and partially share customer services and systems including website-related services and systems, we may need to transfer your personal data to, or otherwise allow access to such data by other companies within the Marken and UPS group for the purposes set out above (under "Why do we use your personal data and on which legal bases?") including, for example, addressing your queries, providing you with our website services (e.g. shipment tracking) from any locations you request them, ensuring the security of our website and your personal data, informing you about our services and promotions.

### **Our service providers and other parties**

We use other companies, agents or contractors ("**Service Providers**") to perform services on our behalf or to assist us with the provision of services to you. We may share personal data with the following categories of Service Provider:

- infrastructure and IT services providers;
- marketing, advertising and communications agencies;
- provider of a digital platform for job applications management;
- digital and email marketing platform.

In the course of providing such services, these Service Providers may have access to your personal data. However, we will only provide our Service Providers with the information that is necessary for them to perform the services, and we ask them not to use your information for any other purpose. We may also share your data with third parties as required in order to provide our services. We will always use our best efforts to ensure that all the Service Providers we work with will keep your personal data secure.

### **Third parties permitted by law**

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In certain circumstances, we may be required to disclose or share your personal data in order to comply with a legal or regulatory obligation (for example, we may be required to disclose personal data to the police, or to judicial or administrative authorities).

We may also disclose your personal data to third parties where disclosure is both legally permissible and necessary to protect or defend our rights, matters of national security, law enforcement, to enforce our contractual rights or protect your rights or those of the public.

### ***Third parties connected with corporate transactions***

We may transfer your personal data to third parties in connection with a reorganisation, restructuring, merger, assignment, acquisition or transfer of assets, provided that the receiving party agrees to treat your personal data in a manner consistent with this Notice.

### **International transfers of your personal data**

The personal data that we collect from you may be transferred to, and stored at, a destination outside the EEA (for example, in the US), including within the Marken and UPS group or through the use of third parties as set out under the section "[Who does Marken transfer your personal data to?](#)" above. It may also be processed by staff operating outside the EEA who work for us or for one of our Service Providers.

Marken will take all necessary measures to ensure that your personal data is securely transferred, stored and used after transfer, as required by applicable law. This includes using appropriate safeguards such as the EU Model Contract Clauses (or equivalent measures). You can ask for a copy of the appropriate safeguards by contacting us as set out below ("[How can you contact Marken?](#)").

### **What rights do you have in respect of your personal data?**

Depending on your jurisdiction, you may have a number of rights in relation to the personal data that we hold about you. We are committed to address these rights where required under applicable law. These can be summarised as follows.

- **Know and Access.** You may have the right to know what information we have collected about you and request a copy of the personal data we are processing about you. This request may be for: categories and/or specific pieces of personal data, categories of third parties with whom we disclose personal data and categories of what personal data is or disclosed, as well as the purpose for all of the above. Upon request, we will provide this information to you in electronic form. For your own privacy and security, in our discretion we may require you to prove your identity before providing the requested information. If you require multiple copies of your personal data, we may charge a reasonable administration fee.
- **Rectification.** You may have the right to have incomplete or inaccurate personal data that we process about you rectified.
- **Deletion.** You may have the right to request that we delete personal data that we process about you, except we are not obligated to do so if we need to retain such data in order to comply with a legal or regulatory obligation or to establish, exercise or defend legal claims.
- **Restriction.** You may have the right to restrict our processing of your personal data where you believe such data to be inaccurate, our processing is unlawful or that we no longer need to process such data for a particular purpose, but where we are not able to delete the data due to a legal or other obligation or because you do not wish for us to delete it.

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- **Portability.** You may have the right to obtain personal data we hold about you, in a structured, electronic format, and to transmit such data to another data controller, where this is (a) personal data which you have provided to us, and (b) if we are processing that data on the basis of your consent (such as for direct marketing communications) or to perform a contract with you (such as to administer your account).
- **Objection.** Where the legal justification for our processing of your personal data is our legitimate interest, you may have the right to object to such processing on grounds relating to your particular situation. We will abide by your request unless we have compelling legitimate grounds for the processing which override your interests and rights, or if we need to continue to process the data for the establishment, exercise or defence of a legal claim.
- **Withdrawing Consent.** If you have consented to our processing of your personal data and we do not rely on legitimate interest to process your personal data, you have the right to withdraw your consent at any time, free of charge. This includes cases where you wish to opt out from marketing messages that you receive from us.
- **Right to Non-Discrimination.** We will not treat you differently for exercising a legal right regarding your personal data.

**To exercise any of your rights above, please contact us as stated under below ("How can you contact Marken?")**. For requests submitted by California residents, you may use an authorized agent registered by the California Secretary of State. Authorized agents must have written permission to submit requests on your behalf. Whenever feasible for verification, we will match the identifying information provided by you to the personal data already maintained by us. If, however, we cannot verify your identity from the information already maintained by us, we may request additional information.

You also have the right to lodge a complaint with the local data protection authority if you believe that we have not complied with applicable data protection laws.

If you are based in, or the issue relates to, the UK, the Information Commissioner's Office can be contacted as follows:

Telephone: +44 0303 123 1113

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)

Web-form: [www.ico.org.uk/concerns/](http://www.ico.org.uk/concerns/)

Address: Water Lane, Wycliffe House, Wilmslow, Cheshire, SK9 5AF

If you are based or the issue you would like to complain about took place elsewhere in the European Economic Area (EEA), please click here for a list of local data protection authorities in the other EEA countries.

## **YOUR CALIFORNIA PRIVACY RIGHTS**

California Civil Code Section 1798.83 permits California residents to request certain information, once a year, regarding our disclosure of personal data to third-parties for their direct marketing purposes. To make such a request, please send us an email using the contact information provided below and put "Shine the Light Request"

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in the subject line of your email. ~~You may also call our Patient Communications Center (PCC) at 844-627-5361.~~ Additionally, California residents are specifically offered the rights specified in the “What rights do you have in respect of your personal data?” section above. [To exercise a request to know or a request to delete, you may complete this form or also call our Patient Communications Center \(PCC\) at 844-627-5361.](#)

When we receive a request, we will take steps to verify the identity of the requestor including, for example, by asking that the requester confirm or verify various pieces of personal data that we hold about them. You may also utilize an authorized agent that has been registered with the State and, if used, we will require evidence of authorization from your agent as well.

## Online Tracking

Certain web browsers and other programs may be used to signal your preferences to us about how or whether we or third parties may collect information about your online activities. User-enabled privacy controls, such as a browser plugin or privacy setting, that communicates or signals the choice to opt-out of the sale of personal data, will be accepted as a verified request to opt-out.

## How long does Marken keep your personal data?

Your personal data is stored by us and/or our Service Providers on our behalf, strictly to the extent necessary for the performance of our obligations and strictly for the time necessary to achieve the purposes for which the data is collected (you can see a list of these purposes under above at "[Why do we use your personal data and on which legal bases?](#)"). When personal data is kept, that period will be determined based on the applicable local law. When we no longer need to use your information for any of our purposes, we will remove it from our systems and records and/or take steps to properly anonymise it so that you can no longer be identified from it (unless we need to keep your information to comply with legal or regulatory obligations to which we are subject).

## How does Marken keep your personal data secure?

We have implemented technical and organisational security measures, in an effort to safeguard the personal data in our custody and control. Such measures we have implemented include, for example, limiting access to personal data only to employees and authorised service providers who need to know such information for the purposes described in this Notice, as well as other administrative, technical and physical safeguards.

While we endeavor to always protect our systems, sites, operations and information against unauthorised access, use, modification and disclosure, due to the inherent nature of the Internet as an open global communications vehicle and other risk factors, we cannot guarantee that any information, during transmission or while stored on our systems, will be absolutely safe from intrusion by others, such as hackers. Understand that any information that you transfer to us is done at your own risk.

## Third-Party Links

When you use the sites, there may be links and you may be directed to third party websites. We are not responsible for the privacy practices or content of such other sites. If you have any questions about how these other sites use your information, you should review their policies and contact them directly.

## Dispute Resolution and Agreement to Arbitrate

Except where and to the extent prohibited by law, by using our services, you agree that, if there is any controversy, claim, action, or dispute arising out of or related to your use of our services, or the breach, enforcement, interpretation, or validity of this Notice or any part of it (“Dispute”), both parties shall first try in good faith to settle such Dispute by providing written notice to the other party describing the facts and circumstances of



the Dispute and allowing the receiving party thirty (30) days in which to respond to or settle the Dispute. Notice shall be sent to:

- Us at Ground Floor, 107 Power Road, Chiswick, London, W4 5PY, UK, or
- You, at the address we have on file for you.

Both you and Marken agree that this dispute resolution procedure is a condition precedent that must be satisfied before initiating any litigation or filing any claim against the other party. IF ANY DISPUTE CANNOT BE RESOLVED BY THE ABOVE DISPUTE RESOLUTION PROCEDURE, YOU AGREE THAT THE SOLE AND EXCLUSIVE JURISDICTION FOR SUCH DISPUTE WILL BE DECIDED BY BINDING ARBITRATION ON AN INDIVIDUAL BASIS. ARBITRATION ON AN INDIVIDUAL BASIS MEANS THAT YOU WILL NOT HAVE, AND YOU WAIVE, THE RIGHT FOR A JUDGE OR JURY TO DECIDE YOUR CLAIMS, AND THAT YOU MAY NOT PROCEED IN A CLASS, CONSOLIDATED, OR REPRESENTATIVE CAPACITY. Other rights that you and we would otherwise have in court will not be available or will be more limited in arbitration, including discovery and appeal rights. All such disputes shall be exclusively submitted to JAMS ([www.jamsadr.com](http://www.jamsadr.com)) for binding arbitration under its rules then in effect, before one arbitrator to be mutually agreed upon by both parties.

The arbitrator, and not any federal, state, or local court or agency, shall have exclusive authority to resolve any dispute arising under or relating to the interpretation, applicability, enforceability, or formation of this Notice, including any claim that all or any part of this Notice is void or voidable.

### How can you contact Marken?

If you have any questions or concerns about how we treat your personal data, or you wish to exercise any of the rights described above, please contact the Marken Privacy Office at at:

Telephone: +44 (0) 203 249 7508

Email: [privacy@marken.com](mailto:privacy@marken.com)

Address: Ground Floor, 107 Power Road, Chiswick, London, W4 5PY, UK

Residents of California may also use the contact information found in “**YOUR CALIFORNIA PRIVACY RIGHTS**” above.

### Changes to this Notice

We may update this Notice from time to time in response to changing legal, regulatory or operational requirements. Please review this Notice periodically to stay informed on how we are handling your personal data.

If we decide to make material changes to this Notice we will notify you of these changes (including when they will take effect) by posting an alert on the home page of our website and / or by sending you an email at the email address we have on file for you.