

# WELCH ALLYN, INC. SAFE HARBOR PRIVACY POLICY

## **Background.**

The European Union (EU) has adopted a Directive on Personal Data Protection (the EU Directive). The EU Directive requires EU member states to adopt laws protecting Personal Data collected within their borders and permits transfers of Personal Data from the EU only to countries that have enacted laws or adopted other arrangements that are deemed adequate to protect Personal Data under principles established in the EU Directive. The US Department of Commerce and the European Commission have agreed on certain Safe Harbor Principles and related procedures in conformity with the EU Directive that US companies can elect to follow to adequately protect Personal Data transferred from the EU to the US.

## **Introduction.**

Welch Allyn, Inc. and its affiliated companies located in the US (herein after referred to as Welch Allyn) are committed to protecting the privacy of individuals who entrust Welch Allyn with their Personal Data, including Welch Allyn's customers, employees, and business partners. Consistent with this commitment to protect personal privacy, Welch Allyn adheres to the Safe Harbor Principles for the purpose of safeguarding Personal Data transferred on Welch Allyn's behalf from the EU to the US. This Safe Harbor Privacy Policy (the Policy) describes our practices for implementing the Safe Harbor Principles, and the Policy applies to all Personal Data received by Welch Allyn in the US from the EU via a transmission in any format, including electronic, paper, or verbal.

## **Definitions.**

For purposes of this Policy, the following definitions apply:

*Agent* means a third party that collects or processes Personal Data solely on behalf of Welch Allyn, according to instructions from Welch Allyn.

*Personal Data* means any information or set of information that identifies an individual person or is used by Welch Allyn to identify an individual. Personal Data does not include information that is encoded or anonymized, or publicly available information that has not been combined with non-public personal information. Personal Data includes Sensitive Personal Data.

*Sensitive Personal Data* means personal information that reveals race, ethnic origin, sexual orientation, political opinions, religious or philosophical beliefs, trade union membership, or information about an individual's health.

## **Privacy Principles.**

Welch Allyn has implemented the privacy principles and practices set forth in this Policy to comply with the Safe Harbor Principles.

## **Notice.**

If Welch Allyn collects Personal Data directly from individuals in the EU, it will furnish them with a notice informing them of: a) the purposes for which it collects and uses their Personal Data, b) a description of any third parties, other than Welch Allyn's Agents, to which their Personal Data may be disclosed or transferred, and c) their right to exercise the opt-out choice for Personal Data or the opt-in choice for Sensitive Personal Data which are described in the next section of this Policy (the Notice). The Notice will be provided to individuals in clear and conspicuous language when Personal Data is first collected from them, or as soon thereafter as practicable.

Before Welch Allyn uses Personal Data for a purpose not identified in the original Notice, or transfers Personal Data to a non-Agent third party not identified in the original Notice, it will furnish individuals with another Notice identifying the proposed new use or transfer of Personal Data, and obtain their permission for the new use or transfer via the opt-out choice for Personal Data or the opt-in choice for Sensitive Personal Data.

If Welch Allyn receives Personal Data from a third party entity located in the EU, including a Welch Allyn affiliate, Welch Allyn will: a) adhere to the classification of the Personal Data as ordinary Personal Data or Sensitive Personal Data that was made by the EU-based entity that collected the Personal Data, and b) use and transfer the Personal Data only in accordance with the Notice provided by the EU-based entity and the opt-out or opt-in choices made by the individuals to whom the Personal Data pertains.

## **Choice Regarding Use and Transfer of Personal Data.**

Welch Allyn will offer individuals, via the Notice, the opportunity to exercise an opt-out choice regarding ordinary Personal Data. If the opt-out choice is exercised, it will prohibit Welch Allyn from: a) transferring or disclosing an individual's ordinary Personal Data to any non-Agent third party described in the Notice, or b) using an individual's ordinary Personal Data for any general or specific purpose described in the Notice that is not essential to performing a transaction with Welch Allyn. If the opt-out choice is not exercised, Welch Allyn will have the right to use the ordinary Personal Data for the general or specific purposes described in the Notice and to transfer the ordinary Personal Data to any non-Agent third parties described in the Notice.

Welch Allyn will offer individuals, via the Notice, the opportunity to exercise an opt-in choice regarding Sensitive Personal Data. If the opt-in choice is exercised, it will affirmatively grant Welch Allyn the right to: a) use an individual's Sensitive Personal Data for the specific purpose described in the Notice, and b) transfer or disclose an individual's Sensitive Personal Data to the non-Agent third party identified in the Notice. If the opt-in choice is not exercised, Welch Allyn will not have the right to use the Sensitive Personal Data for the specific purpose described in the

Notice nor to transfer the Sensitive Personal Data to the non-Agent third party described in the Notice.

Welch Allyn will provide individuals with reasonable methods to exercise the opt-in choices and opt-out choices.

### **Transfers Of Personal Data To Agents.**

Welch Allyn may transfer and disclose Personal Data to Welch Allyn's Agents without furnishing Notice and the opt-out and opt-in choices to individuals. Welch Allyn will obtain assurances from its Agents that they will process and safeguard Personal Data in a manner that is consistent with the Safe Harbor Principles. Such assurances include: a) a contract between Welch Allyn and the Agent obligating the Agent to process Personal Data in accordance with the Safe Harbor Principles, b) verifying that the Agent has certified to the US Department of commerce its conformity to the Safe Harbor Principles, or c) verifying that the Agent is subject to the laws of a jurisdiction that meet the requirements of the EU Directive. If Welch Allyn becomes aware that its Agent is using or disclosing Personal Data in a manner contrary to the Safe Harbor Principles, Welch Allyn will take reasonable action to stop the inappropriate use or disclosure.

### **Access To And Integrity of Personal Data.**

Welch Allyn will use and process Personal Data only in ways that are compatible with the purposes for which it was collected from individuals and consistent with the Notice and opt-out or opt-in choices exercised by the individuals from whom the Personal Data was collected. Welch Allyn will take reasonable steps to ensure that Personal Data is accurate, complete, current, and reliable for use to achieve the purposes for which the Personal Data was collected. Upon request, Welch Allyn will permit individuals to access or review their Personal Data that is in the possession or control of Welch Allyn. Welch Allyn will also take reasonable action to permit individuals to make corrections, additions, or deletions of their Personal Data if it is demonstrated to be inaccurate or incomplete.

### **Security.**

Welch Allyn will take reasonable precautions to protect Personal Data in its possession from loss, misuse and unauthorized access, disclosure, alteration and destruction.

### **Limitation On Application Of This Policy.**

Welch Allyn's adherence to these Safe Harbor Principles may be limited: a) to the extent required to respond to a legal or ethical obligation, and b) to the extent expressly permitted by an applicable law, rule or regulation.

**Enforcement.**

Welch Allyn will conduct compliance audits of its relevant privacy practices to verify adherence to this Policy. Any employee that Welch Allyn determines to be in violation of this Policy will be subject to appropriate disciplinary action.

**Dispute Resolution.**

Any questions or concerns regarding the use or disclosure of personal information should be directed to Welch Allyn's Privacy Office at the address given below. Welch Allyn will investigate and attempt to resolve complaints and disputes regarding use and disclosure of individual's Personal Data in accordance with the principles contained in this Policy. For complaints that cannot be resolved between Welch Allyn and the complainant, Welch Allyn has agreed to participate in the dispute resolution procedures of the panel established by the European Data Protection Authorities to resolve disputes pursuant to the Safe Harbor Principles.

**Contact Information.**

Questions or comments regarding this Policy should be submitted to the following person by mail as follows:

Welch Allyn, Inc.  
4341 State Street Road  
Skaneateles Falls, New York 13153  
Attention: Chris Horacek, Vice President and Associate General Counsel  
Telephone: 315 685 4558  
Facsimile: 315 685 4496

**Changes To This Policy.**

This Policy may be amended from time to time, consistent with the requirements of the Safe Harbor Principles. A notice will be posted on Welch Allyn's website ([www.welchallyn.com](http://www.welchallyn.com)) for sixty (60) days whenever this Policy is changed in a material way.

**Effective Date:** October 14, 2005

