GENERAL PRIVACY AND PERSONAL DATA PROTECTION POLICY

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transgene

STATEMENT

Transgene recognizes that the protection of individuals in relation to the processing of Personal Data is a fundamental right and endeavors in its actions to respect personal rights to privacy and data protection. Transgene's policy is to collect and process Personal Data lawfully, fairly and in a transparent manner. This data concerns, notably:

- Participants in clinical trials;
- Healthcare professionals;
- Job applicants;
- Representatives of our contractors and business partners (consultants, suppliers, and any third parties);
- Representatives of the scientific community etc..;
- Stakeholders, Investors;
- Employees and Board Members.

This general statement of Corporate Policy on Personal Data Privacy ("**Policy**") governs the way Transgene collects, uses and discloses Personal Data, i.e. any information relating to an identified or identifiable natural person ("**Personal Data**"), for all data processing carried out in the framework of its business and activities, in accordance with the applicable laws and notably:

- The French data-processing law of January 1978 (la loi n°78-17 du 6 janvier *1978 relative à l'informatique, aux fichiers et aux libertés modifiée*), as amended ;
- The Regulation (EU) 2016/679 of the European Parliament and Council dated 27 April 2016 on the protection of natural persons with regard to the processing of Personal Data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ("**GDPR**");
- The Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC;
- Other national legislation that may be applicable to specific activities of Transgene, notably when conducted abroad or involving foreign data subjects.

The objective of this policy is to describe:

- What Personal Data Transgene collects, uses and discloses
- For what reasons and purposes Transgene processes Personal Data
- On what basis Transgene collects Personal Data
- From what sources does Transgene collect Personal Data
- Who are the authorized parties to which Transgene may disclose Personal Data
- Where Transgene and its authorized parties may process Personal Data
- What Transgene does to protect Personal Data
- How long Transgene retains Personal Data
- What are the individual's rights and how to exercise them

This Policy applies to all processing activities Transgene conducts with respect to the Personal Data of the persons it deals with in its professional business activities.

Specific privacy and data protection information notices ("Privacy Notice") and/or consent forms, if necessary, are communicated regarding specific situations where Transgene may process Personal Data. These Privacy Notices describe in more detail how Personal Data are processed in relation with the processing in question. If the legislation of your country so requires, this Policy and/or Privacy Notices may be supplemented by local mandatory provisions.

THE TYPE OF PERSONAL INFORMATION COLLECTED BY TRANSGENE

Transgene collects several types of information including:

- Identity data: last name, first name, nationality and date of birth;
- Contact details data: postal address, phone number, email address and emergency contact;
- De-identified coded data regarding clinical trial participants such as medical history, disease state (if applicable), information regarding biological samples (e.g. blood, urine or tissue samples) and adverse events;
- other demographic data, including sex, race, and ethnicity;
- professional details such as professional qualifications;
- Social security reference number and insurance company;
- Financial data: means of payment, financial institution, IBAN;
- Data relating to the user behaviour on Transgene's website (The "Website").

PURPOSES AND LEGAL BASIS OF PERSONAL DATA COLLECTION

In accordance with article 5 of the GDPR, the Personal Data controlled by Transgene meet a specific, explicit, and legitimate purposes.

As part of its activities, Transgene collects and processes Personal Data for the following purposes:

- **To carry out business operations**: carry out marketing; respond to requests; to keep track of interactions, meetings.
- **To comply with legal or regulatory obligations that apply to Transgene:** carry out prevention and investigatory activities; carry out administrative formalities, registrations, declarations, or audits.
- **To conduct research and development**: carry out clinical studies; manage and validate the recruitment and participation of individuals to studies, monitor the safety of the product.
- **To allow Transgene to communicate with you**: respond to your requests or inquiries; provide support for products and services; provide you with important information, send you news and information about our products, our operations, organize and manage professional events and congresses, including your participation to such events.
- **To respond to legal requests** from administrative or judicial authorities, in accordance with applicable laws, required registration, or legal process.
- **To protect our rights and interests**: protect the health, safety, and security of Transgene's personnel, premises, and information security, carry out internal audits, manage business administration (finance and accounting, fraud monitoring and prevention).

Depending on the data processing at stake, Transgene will generally process your Personal Data on either one of the following legal bases:

- **Your prior consent**: where you have clearly expressed your approval of Transgene's processing of your Personal Data. In practice, this will generally mean that Transgene will ask you to sign a document, or to fill-in an online "opt-in" form or to follow any relevant procedure to allow you to be fully informed and then either clearly accept or refuse the data processing envisaged.
- **A contractual relationship between you and Transgene**: in such case, the processing of your Personal Data is generally necessary to the execution or the performance of the contract.
- **Legal obligations applicable to Transgene concerning**:
  - The reporting of trial results in accordance with Articles 37(4) and 37(8) of the Clinical Trials Regulation, the production of safety notifications under Articles 41 to 43 of the said Regulation, the archiving of the clinical trial master file (for 25 years, according to Article 58 of the said regulation). The same applies to any disclosure of clinical trial data to the competent national authorities during an inspection in accordance with the applicable national rules (Articles 77 to 79 of the Regulation).
  - The requirement to implement Whistleblowing system according the French and European regulation.
  - The Compliance with legal obligations resulting from the French Labor Code (Code du travail) which requires from the employer to maintain records of sick leave and other leaves for which employees are entitled to statutory payments.
- **The "legitimate interest" of Transgene in the sense of applicable data protection law**. In such case, Transgene will consider your fundamental rights and interests in determining whether the processing is legitimate and lawful.

Processing of a given set of Personal Data may have more than one purpose or basis.

The main purposes and bases relevant to Transgene's activities are set out below:

PROCESSING ACTIVITIES	PRINCIPAL PURPOSES	PRINCIPAL LEGAL BASIS
Clinical trials involving human subjects & Research activities	We process Personal Data for the following purposes: - to support the clinical study and gather reliable robust data on an investigational medicinal product to monitor the reliability and safety of the product. - To carry out research activities;	Processing is necessary to comply with a **legal obligation** to which we are subject. This is notably the case, for instance, for obligations relating to the performance of safety reporting and obligations concerning the archiving of the clinical trial master file. **Processing is necessary for the purposes of the legitimate interests pursued by Transgene:**

		processing activities purely related to research activities (scientific interest in medical progress). **Consent**: subsequently use the Personal Data collected for any other scientific purposes than those defined by the clinical trial protocol.
Entry into, and management and execution of contracts.	Processing mainly set up by the legal department allowing, with the collaboration of the other departments of the company, the drafting, the negotiation as well as the management of various contracts (contract with partners, subcontractors, various service providers ....).	**Processing is necessary for the performance of a contract and precontractual measures.** **Processing is necessary for compliance with a legal obligation:** ➢ This is notably the case, for obligations relating to the archiving of the contracts under French commercial code. ➢ Obligations relating to the clinical trial documentation which the contracts are part of ➢ Compliance with legal obligations such as: French Transparency law. **Processing is necessary for the purposes of the legitimate interests pursued by Transgene**: protect the company's rights in disputes; keep a record of all contractual relationship in case of an audit and to track-record of the relationship.
Finance and accounting	Processing activities necessary for the following purposes: - to establish tax reports; - Management of supplier/customer payments; - Commercial contacts with relevant service providers; - Administrative operations related to orders, receipts, invoices, settlements, accounting;	**Processing is necessary for the performance of a contract.** Processing is necessary to comply with a **legal obligation to which we are subject** (French Commercial Code; French General Tax Code). **Processing is necessary for the purposes of the legitimate interests pursued by Transgene.**

	- Record keeping of supplier documentation (audit, third party screening etc...); - Management of business travel: management of invoicing and reimbursement of travel expenses.	
Human Resources	Processing activities required for the following purposes: - Recruitment (select candidates); - Performance of an employment contract; - Management of Personal Data required for the operations of the human resources department; - Organization of social and economic committee elections; - Follow-up of the career and trainings of the employees; - Management of social and cultural action directly implemented by the employer (social service or psychological support activities); - Preparation and publication of content on Transgene's intranet regarding its activities, potentially including photography; - Management of remuneration and completion of related administrative formalities; - Manage and monitor working hours in accordance with the regulations.	**Processing is necessary for the purposes of the legitimate interests pursued by Transgene** (to ensure the development of the company and the replacement of personnel. Need to perform pre-contractual measures). **Processing is necessary for the performance of a contract:** Processing is necessary for the performance of the employment contract. Processing is necessary to comply with a **legal obligation to which we are subject:** Obligations laid down by law or collective agreements including but not limited to health and safety at work, equality and diversity at work. Consent (internal communications).
Legal and Compliance	Processing activities required for the following purposes: - management of Transgene's corporate activities, (e.g. Organization of the Shareholders or Board of Directors meeting); - Management and monitoring of Transgene's compliance program (Anti-corruption, GDPR); - Management of the whistleblowing system (reception, processing of professional alerts.); - Establishment, maintenance of insider lists.	Processing is necessary to comply with a **legal obligation** (EU regulation n° 596/2014, Sapin II, GDPR, French Commercial Code). **Processing is necessary for the purposes of the legitimate interests pursued by Transgene** (ensuring compliance with the Code of Conduct).
Pharmaceutical manufacturing activities	Processing activities required to gather a robust and thoroughly documented quality assurance for the manufacturing of drug.	Processing is necessary to comply with a **legal obligation** (GMP).

		Processing is necessary for the purposes of the legitimate interests pursued by Transgene (Ensuring the safety of our products).
health, safety, and environment (HSE)	Processing activities required for the following purposes: - The identification, analysis, and classification of risks to define the most appropriate preventive actions, covering the technical, human and organizational dimensions; - Monitoring of trainings; - Carry out/consult the inventory of Transgene's biological products and the list of persons handling these products; - Implementation of a video surveillance system to ensure staff security.	Processing is necessary to comply with a **legal obligation** (Labor Code) **Processing is necessary for the purposes of the legitimate interests pursued by Transgene** (staff safety)
Information System	Processing activities required for the following purposes: - Management, administration, and control of the use of IT and communication facilities: management and administration of access rights to IT applications and systems; management of fixed and mobile telephone services etc.; - Management of the Website	Processing is necessary to comply with a **legal obligation.** **Processing is necessary for the purposes of the legitimate interests pursued by Transgene:** securing Transgene's information system and means of communication Consent (cookies)

SOURCE OF PERSONAL DATA COLLECTION

Transgene collects Personal Data from different sources:

- **Data that you communicate to us through various sources such as**: online requests through online contact forms, employee-supplied information, patient-supplied information, business-partner-supplied information.
- **Data that we collect automatically,** such as cookies, when following your interactions on our websites, such as cookies.
- **Data that we obtain legally from third parties**, for example, in the context of recruitment procedures, certain Personal Data may be obtained from a source other than the Data Subject, in particular from a recruitment agency. In such case, we generally receive such Personal Data from third-parties that are authorized to do so in the framework of their own privacy and data protection policies or in accordance with the law. As applicable, we will inform you of the identity of those third-parties and will invite you to refer to their privacy and data protection policies to inquire on the origin of such Personal Data and the condition of their collection.

ACCESS TO PERSONAL DATA

Access to Personal Data within Transgene is limited to persons who in the exercise of their functions have a legitimate reason to do so, consistent with the purposes and bases of processing.

For the purposes described above, Transgene may need to share your Personal Data with the following authorized third-parties:

- Employees of its affiliates;
- Our partners (healthcare professionals and organizations, distributors, other members of the healthcare and pharmaceutical industry);
- Selected suppliers, service providers or vendors acting upon our instructions for website hosting, data analysis, payment processing, order fulfilment, information technology and related infrastructure provision, auditing, etc.;
- Legal or administrative authorities, as required by applicable laws including laws outside your country of residence;
- Potential acquirers and other stakeholders in the event of a merger, legal restructuring operation such as, acquisition, joint venture, assignment etc..

Transgene may need to share your Personal Data with other third-parties, in which case you will be duly informed.

In any case, Transgene will require that such third-parties:

- **undertake to comply** with data protection laws and the principles of this Policy;
- **will only** process the Personal Data for the purposes described in this Policy; and
- **implement** appropriate technical and organizational security measures designed to protect the integrity and confidentiality of your Personal Data.

TRANSFER OF PERSONAL DATA

Transfer of Personal Data outside of Transgene is similarly limited to authorized third parties (administrative authorities: URSAFF, Social Security) or service providers acting under our instructions, partners (healthcare professionals) and other stakeholders to the extent they have a legitimate reason for such access and sufficient guarantees of security and confidentiality are in place.

Transfers outside of the European Union will consider the contractual engagements and local regulatory environment of the recipients. Transgene follows the Commission's assessments under article 45 of the GDPR concerning the adequacy of third country data protection.

In the absence of a favorable decision pursuant to Article 45(3) GDPR, Transgene may transfer Personal Data to a recipient located in a third country only if it has provided appropriate safeguards, and on condition that enforceable data subject rights and effective legal remedies for data subjects are available. We ensure that the recipient of your Personal Data offers an adequate level of protection, for instance, by entering into appropriate data protection agreements and where required, the European Commission-approved standard contractual data protection clauses.

TECHNICAL AND ORGANIZATIONAL MEASURES IMPLEMENTED BY TRANSGENE

We have implemented a variety of technological and organizational procedures and measures to ensure the integrity and confidentiality of your Personal Data from unauthorized access, use and disclosure.

Among the technical measures you will find:

- Personal Data is principally on servers that have various types of technical and physical access controls, which may include, for instance, if appropriate, encryption. We may also aggregate, pseudonymize or anonymize Personal Data to ensure that no personally identifiable information is communicated to third parties.

- Servers we use are when feasible localized in Europe for clinical trial data, as well as for other data.

- Servers are monitored and backed up daily, and a disaster recovery plan is in place and tested annually.

Among the organizational measures you will find:

- **Formal appointed Data Protection Officer (DPO) and Data Privacy working group**: Transgene has appointed a DPO and a data privacy team to develop and implement a roadmap for complying with the data protection Regulation. The team is responsible for promoting awareness of the GDPR across the organisation, assessing GDPR compliance, identifying any gap areas and implementing the new policies, procedures, and measures.

- **Policies and Procedures:** Accountability and governance measures are in place to ensure that Transgene's employees understand and adequately disseminate and evidence all the obligations and responsibilities, with a dedicated focus on privacy and the rights of individuals. Therefore, Transgene has revised data protection policies and procedures to meet the requirements and standards of the GDPR and any relevant data protection laws, including:
  - **Data Breach procedure:** Transgene has adopted a standard operating procedure setting out measures to be taken in case Transgene loses control of data in its chain of custody and against unauthorized access, use and disclosure.
  - **Data Protection Impact Assessments (DPIA):** Transgene has developed stringent procedures for carrying out impact assessments that comply with the GDPR's Article 35 requirements and the CNIL's methodology MR-001, where personal information that is considered high risk is processed. Transgene has implemented documentation processes that record each assessment, allowing us to rate the risk posed by the processing activity and implement mitigating measures to reduce the risk.
  - **Processor Agreements**: where Transgene uses any third-party to process personal information on its behalf (ie Payroll, Recruitment, Hosting, etc), compliant Processor Agreements and due diligence procedures are put in place, to ensure that all the parties meet and understand their GDPR obligations.

- **Trainings**: To foster a control environment for Personal Data which encourages limiting the scope and amount of processed data through "privacy by design", and to ensure the respectful treatment of the Personal Data, which is processed, Transgene puts in place periodic training in data privacy both of a general nature for all employees and a more targeted nature for employees with significant processing responsibilities.
- **Website Policy**: When visiting our website all actions are time-stamped, logged, and associated to a specific user ID tied to an IP address. Transgene has set out its data policy for the web site in the Privacy Policy/Cookie Policy linked to the home page in French and in English. Transgene informs users of its cookie policy and collects consent for the placement of cookies. Specific opt out procedures are put in place to ensure the informed consent of recipients of investor mailings.

PERSONAL DATA RETENTION POLICY

Personal information is kept only for as long as required to fulfill the purposes for which it was collected and no longer than there is an obligation or a legitimate purpose. Transgene has put in place a data retention policy to implement this principle.

RESPECT OF PATIENT PERSONAL DATA

Transgene as Sponsor of clinical Trials is the "data controller" for the Personal Data collected and used during a clinical trial. This means that we determine the purposes and the means of the processing of Personal Data.

Transgene has several studies of investigational drugs. If you have consented to be a part of its Trials, or you are investigator or other site personnel involved in this trial, we will use and protect your Personal Data as described below.

The Informed Consent Form ("ICF") you signed to be a participant in the Trials also contains information about your privacy rights.

However, we do not have direct access to Trial patients' identifiable Personal Data, meaning that we are typically unable to directly identify Trial patients pursuant to Good Clinical Practice Guidelines. Your Personal Data is collected by the Trial site (the doctor's office, clinic, hospital, or other healthcare facility where the Trial is being conducted). When any information relating to Trial patients is shared with us, it will be key-coded (also known as "pseudonymized") so that you will not be identified by any direct personal identifier.

- **Basis of processing**

Before, during, and after each Trial, we will process your Personal Data for various purposes. In each case, we will rely on an appropriate lawful basis for processing your Personal Data.

Transgene has declared to the CNIL (*Commission nationale de l'informatique et des libertés)* its commitment to comply with the CNIL's reference methodology MR001 (declaration n ° 1194569 v 0).

Transgene will need to process data about your health in order for you to participate in a Trial. Health data is considered sensitive Personal Data (also known as a "special category"

of Personal Data) and special rules apply to working with it. We process special categories of Personal Data, including health data for the following purposes:

- We process your Personal Data for safety and reliability purposes to comply with our legal obligations;
- We process your Personal Data for scientific research purposes based on our legitimate interest in conducting clinical trials and performing valuable scientific and medical research.

If we process your Personal Data for other purposes after the end of a Trial, we will do so based on your consent.

For more details about the basis of our processing activities please refer to the table above.

- **Retention period applicable in the context of a clinical trial**

Our Trials are long-term. We use them to track the effects of test medications using information collected from Trial participants like you. This means we will need to keep your Personal Data for a long time. However, in order to protect your privacy, the information of every Trial participant is "key-coded" before we enter it into the studies and reports. This means that we replace identifying information like your name and contact information with a code number.

To the maximum extent permitted by law, once your data has been key-coded and recorded in official Trial documents, we cannot remove it without affecting the accuracy of the studies and test results. For example, European law requires us to keep Personal Data that is part of the clinical trial master file for **twenty-five years after the conclusion of the applicable Trial**.

- **Access to Personal Data**

We will share your Personal Data with service providers who process Personal Data on our behalf and who agree to use your Personal Data only to assist us in conducting our Trials.

We may share your Personal Data with laboratories involved in the analysis of medical data, with service providers and with software, hosting and data analysis providers.

We require that all of these service providers protect your Personal Data, including through the adoption of adequate security measures, and use the data solely to provide the services to us.

We will also share your Personal Data with other third parties involved in the Trials. Some of these third parties are data controllers, meaning they also may determine the purpose or means of collecting or using your data for their own purposes. They will have their own privacy notices to govern their collection, use, and protection of your data. These third parties include public government agencies or partners.

We may share your Personal Data with certain regulatory agencies who oversee the conduct of clinical trials, including the United States Food and Drug Administration ("FDA"), the European Medicines Agency ("EMA") and the Medicines and Healthcare products Regulatory Agency ("MHRA") as required to comply with certain reporting and regulatory obligations or in the context of future research. If we must disclose your Personal Data to a government or law enforcement authority, we may not be able to ensure that those officials

will protect your Personal Data to the same standard as we require in our contracts with our service providers.

- **Data integrity and security**

We have put in place and have required our service providers to put in place, technical, administrative, and physical measures that are designed to help protect your Personal Data from being accessed, disclosed, altered, or destroyed by unauthorized people. These measures include the use of measures like key-coding and encryption, where appropriate. In addition, we limit access to your Personal Data to those employees, agents, contractors and other third parties who have a business need to know and are subject to confidentiality obligations.

The data collected in the context of clinical trials are collected in accordance with the specific legal or regulatory provisions. Clinical studies are the subject of an impact study within the meaning of Article 35 of the GDPR which describes the processing operations and helps to assess the necessity and proportionality of the processing operations regarding the purposes as well as the risks for the rights and freedoms of the data subjects.

THE EXERCISE OF YOUR RIGHTS REGARDING YOUR PERSONAL DATA

Transgene has a procedure in place which sets out the key features regarding handling and responding in a timely manner, to data subject access, rectification, erasure etc. requests for their Personal Data that we process.

For Trial Participants: to exercise the rights we explain below first speak with your study doctor instead of contacting us directly, because only your study doctor/staff will be able to identify you as any Personal Data held by Transgene is de-identified.

In accordance with Articles 12, 13,14, 15, 16, 17, 18, 20 and 21 of the GDPR, data subjects may contact Transgene's Data Protection Officer at privacy@transgene.fr to exercise any of the following fundamental rights.

Right to be informed: data subjects have the right to be informed about the collection and use of their Personal Data.

Right of access: data subjects have the right to obtain confirmation as to whether Personal Data relating to them is being processed and, when they are, access to such Personal Data.

Right of rectification: The data subject has the right to obtain from the controller, as soon as possible, the rectification of Personal Data concerning him which are inaccurate. Considering the purposes of the processing, the data subject has the right to obtain that incomplete Personal Data is completed, including by providing a supplementary declaration.

The right to erasure: The data subject has the right to obtain from the controller the erasure of Personal Data concerning him / her when the Personal Data are no longer necessary for the purposes for which they were collected. The right to erasure does not apply if processing is necessary to comply with a legal obligation, this is notably the case for obligations relating to the performance of safety reporting and obligations concerning the archiving of the clinical trial master file.

Right to object: data subjects have the right to object to the processing of their Personal Data where your Personal Data has been collected and processed on the basis of legitimate interests of Transgene, in which case you will need to justify your request by explaining to us your particular situation. Participants in clinical trials may also object to the processing of data used for **research purposes** at any time, without justification. If you object to the processing of your data, you may request the deletion of your data already collected. This right may not apply in so far as it is likely to render impossible or seriously impair the achievement of the objectives of the study. In addition, certain data to ensure the quality and safety of the research (e.g. adverse events) must be collected by the Sponsor to comply with legal obligations. You will not be able to exercise your right to object to or delete such data.

Right to data portability: data subjects have the right to receive the Personal Data concerning them, in a structured, commonly used and machine-readable format, and have the right to transmit these data to another controller, where technically feasible.

Right to limit of processing: data subjects have the right to obtain the restriction of processing of their Personal Data.

Right to withdraw your consent to the data processing: The right to withdraw the consent is applicable where your Personal Data has been collected and processed based on your consent.

While we suggest that you contact us beforehand, you are entitled to lodge a complaint with your local Data Protection Authority regarding the processing of your Personal Data.

UPDATES TO OUR PRIVACY POLICY

Without prejudice to your rights under applicable law, Transgene reserves the right to amend this Policy without prior notice to reflect technological advancements, legal and regulatory changes, and good business practices. If Transgene changes its privacy practices, an updated version of this Policy will reflect those changes and we will notify you of such changes by updating the effective date in the footnote of this Policy.

HOW TO CONTACT US

If you have any questions about this Notice or our processing of your Personal Data, contact our Data Protection Officer (DPO) at privacy@transgene.fr. Upon receipt of your request, please allow up to one month for us to reply.