



Novartis Binding Corporate Rules Appendix 2

Date: 03 September 2018

Appendix 2 to Novartis BCR

Glossary of Data Privacy Terms for the purpose of the BCR and the Application

“Controller” means a Novartis Company or a third party, which alone or jointly with others determines the purposes for which and manner in which, Personal Information is, or will be, Processed; where the purposes and means of Processing are determined by national or EU laws or regulations, the Controller or the specific criteria for his nomination may be designated by national or EU law.

“Data Exporter” means a Novartis Company operating as Controller in the European Economic Area (EEA) or in Switzerland that Transfers Personal Information, either directly or indirectly, through Processor acting on its behalf, to another Novartis Company established in a country outside the EEA or Switzerland (Data Importer).

“Data Importer” means a Novartis Company established outside the EEA or Switzerland to which Personal Information is Transferred.

“Data Subject” means the identified or identifiable person as defined in Appendix 1 of the BCR.

“Division” means a fully functioning organization with full business accountability.

“EEA” means European Economic Area including all the EU Member States and Norway, Iceland and Liechtenstein.

“Employee” means an individual employed by a respective Novartis Company

“EU” means the European Union, including as of July 2018 the following countries: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom, and any additional country that may join the EU at a later date and subtracting any country that may cease to become a member of the EU.

“Lead Data Protection Authority” means the Data Protection Authority that coordinates the approval procedure of the BCR.

“Legitimate Business Purpose” means a purpose which is directly or indirectly related to the business operations of Novartis and which is not overridden by the fundamental rights and freedoms of the individual. A Legitimate Business Purpose may include compliance with legal, regulatory or ethical obligations applicable to a Novartis Company.

“Model Clauses Controller to Controller” means Commission Decision of 15 June 2001 on standard contractual clauses for the transfer of personal data to third

countries, under Directive 95/46/EC (2001/497/EC, O.J.L 181/19) and Commission Decision of 27 December 2004 amending Decision 2001/497/EC as regards the introduction of an alternative set of standard contractual clauses for the transfer of personal data to third countries (2004/915/EC, O.J.L385/74), as well as any further version which may be adopted.

“Model Clauses Controller to Processor” means Commission Decision of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council, (2010/87/EU, O.J. L 39/5) or respective Swiss Data Flow Agreement ([link of EDOEB](#)), as well as any further version which may be adopted.

“Onward Transfer” means the further disclosure of Personal Information from a Data Importer to another Data Importer.

“Personal Information” means any information relating to a Data Subject. For the purpose of these BCR, Personal Information is limited to information that is collected and/or Processed by a Novartis Company in the EEA or Switzerland. It includes without limitation electronic data and paper-based files containing information such as the name, home address, office address, e-mail address, age, gender, family information, profession, education, professional affiliations, salary and credit card numbers.

“Process/Processing” or **“Processed”** means any operation or set of operations which is performed upon Personal Information, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

“Processor” means a Novartis Company or a third party, which Processes Personal Information on behalf and under instructions of the Controller.

“Sensitive Personal Information” means Personal Information that reveals a Data Subject’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, social security, or a person’s sex life or sexual orientation, or data concerning health – including data collected in clinical trials, and the processing of genetic data, or biometric data for the purpose of uniquely identifying a natural person. In certain jurisdictions, including Switzerland, the collection of Personal Information which allows the appraisal of the essential characteristics, traits and personality of the Data Subject, is protected like Sensitive Personal Information.

“Transfer” or **“Transferred”** means any disclosure of Personal Information, including access, to any person or entity other than the Data Subject. This may include but is not limited to the active disclosure, distributing, and publishing, viewing or accessing, including remote access, through manual, electronic or verbal means.

Version History

Effective Date	Owner	Version	CNIL
3 July 2012	Group Data Privacy	1.0	3 July 2012
3 September 2018	Group Data Privacy	2.0	3 September 2018