

# Chimerix, Inc. Privacy Notice for Clinical Trials & Website Visitors

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Effective on: May 17, 2022

Last Modified on: October 31, 2023

## 1. Introduction and Scope

Chimerix, Inc. (“Chimerix”, “we”, “us”, “our”) sponsors ethically approved clinical trials (“Trial” or “Trials”). We take the protection of personally identifiable information (“Personal Data”) very seriously. When you visit our website or participate or work in one of the Trials that we sponsor, you trust us with your Personal Data. We are committed to keeping that trust. That starts with helping you understand our privacy practices. This Privacy Notice (the “Notice”) explains how we process Personal Data in the context of a Trial we sponsor. Please read this Notice to learn what we are doing with your Personal Data, how we protect it, and how you can exercise your privacy rights.

This Notice does **not** apply to Personal Data collected by any other means, or in other contexts, such as Personal Data of Chimerix’s employees, job applicants, contractors, business owners, officers, directors, or staff of Chimerix.

If we maintain information in a manner that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, with a particular individual or household, such information is not considered Personal Data and this Notice will not apply to our processing of that information.

## 2. Controllorship

Within the scope of this Notice, Chimerix generally acts as a data controller for the Personal Data processed in the context of the Trials we sponsor and for the Personal Data collected and processed while you navigate to our website. This means that we alone determine the purpose and means of the processing of your Personal Data.

In some jurisdictions, we are considered a “joint controller” with another organization, such as the study site where the Trial is being conducted. This means that we jointly, together with the other organization, determine the purposes and means of the processing of your Personal Data. If you would like to know more about any other data controllers who might be joint controllers together with Chimerix, you may ask your study doctor or the study site for further details, specifically relating to the Trial that you are participating in.

### 3. Categories of Personal Data

#### 3.1 Personal data of Individual Trial Participants

Personal Data is collected by our service providers like the Trial site (the clinic or other healthcare facility where the Trial is being run) or other third parties, such as your doctors or our clinical research organizations.

The following types of Personal Data may be processed in the context of our Trials and shared with us:

- demographics such as:
  - the month/year of birth (or age at time of initial diagnosis and age at time of each recurrence);
  - information on your sex (male/female), race, ethnicity; and
  - country where patients received treatment at initial diagnosis and each recurrence.
- location information, such as the location of your testing site and Trial location (i.e. study site);
- health care information, such as the identity and contact information of your doctors and health care providers;
- health information, such as your medical history (i.e. tumor and other disease characteristics, surgical history, radiation history, treatment history, imaging data and radiography assessments);
- current health status and reaction to the Trial drug or treatment; and/or
- your genetic information.

In some cases, additional Personal Data will be shared with us during the Trial monitoring process whereby our monitors and personnel will have access to your unredacted medical records, or otherwise in the context of our Trials. In addition to the above, the following types of Personal Data may be viewed and processed by us:

- basic identifying information, such as your first and last name; and/or
- contact information, such as your phone number, physical address, and email address.

You can ask your study doctor if you are unsure whether or not any specific Personal Data that you are being asked to provide is required as part of your participation in the Trial.

#### 3.2 Personal Data of Healthcare Providers

We may process the following types of Personal Data about healthcare providers in the context of our Trials:

- basic identifying information, such as your first and last name;
- contact information, such as your phone number, physical address, and email address;
- professional and employment related information, such as your qualifications and job titles; and/or
- location information, such as the location of your testing site and Trial location (i.e., study site).

### **3.3 Personal Data of Website Visitors**

We may process the following types of Personal Data about website visitors that contact us via our Contact Us, Expanded Access, or Clinical Trials pages and/or the posted email addresses including:

- basic identifying information, such as your name;
- contact information, such as your email address; and/or
- whatever information the individual shares with us in their message.

### **4. How We Receive Personal Data**

We may receive your Personal Data when:

- you provide it directly to us (including when you provide your Personal Data to one of our service providers acting on our behalf);
- a study doctor (also known as an “investigator”) or other healthcare personnel at the study site provides it to us, or your healthcare provider provides it to us;
- we receive it from the clinical research organization that conducts the Trial on our behalf;
- you visit one of our Trial-specific websites or online portals; and
- you provide it to us, the clinical research organization, or a study doctor when you complete a pre-screening questionnaire to confirm your eligibility to participate in the Trial.

### **5. Purpose of Processing**

We may process your Personal Data for the purposes of:

- managing and facilitating the Trial;
- enabling your participation in the Trial;
- answering the research questions for the Trial and aggregating data to generate statistics relating to the Trial and/or study drug or health treatment;
- arranging for the delivery of drugs to you and collection of unused drugs from you in relation to the Trial;
- arranging your transportation to or from the study site;
- sending you reminders about your appointments at the study site, or to take your medication on time;
- monitoring and reporting on any adverse events, such as negative side effects;
- providing compensation for Trial related injuries;
- developing new medicinal drugs or health treatments;
- complying with legislation governing Trials;
- disclosing your Personal Data to the appropriate regulatory authorities, auditors, and ethics committees, if required by law;
- responding to your inquiries and requests; and
- communicating with you on the status of the Trial.

We also process your Personal Data for the specific purposes described in the informed consent form provided to you by Trial personnel.

## 6. Basis of Processing

We may process your Personal Data on the basis of:

- **Consent:** We may ask for your consent, or if you are under the age of 16, the consent of your parent or guardian, to collect and process your Personal Data, including special categories of Personal Data, such as your health status and medical history.
- **Contract:** We may process your Personal Data to fulfil a contract we have with you.
- **Legitimate Interests:** We may process your Personal Data based on our legitimate interests in facilitating and managing our Trials.
- **Compliance with Legal Obligations:** We may need to process your Personal Data for us to comply with applicable laws or regulations, such as the laws regulating the safety and reliability of our Trials.
- **Public Interest:** We may process your Personal Data for reasons of public health interests to ensure adequate standards of quality and safety of the drugs or treatments we are developing.

Where we process your Personal Data based on your consent, you may withdraw your consent at any time. However, this will not affect the lawfulness of our processing before you withdrew your consent. It will also not affect processing performed on other lawful grounds. If you withdraw your consent, you may be ineligible to participate in the Trial.

Where we receive your Personal Data as part of a contract we may have with you, we require such Personal Data to be able to carry out the contract. Without that necessary Personal Data, we will not be able to fulfill our contractual obligation towards you.

Where we process Personal Data on the basis of our legitimate interests, we will always do so after a careful assessment which requires balancing your right to privacy and our legitimate interests. When we rely on legitimate interests as a lawful basis of processing, you have the right to ask us more about how we decided to choose this legal basis. To do so, please use the contact details provided in the section 15 below.

If you are a participant in a Trial, we process special categories of Personal Data, such as your health status and medical history. The EU General Data Protection Regulation (“**GDPR**”), where this is the applicable law, requires that we must have an additional ground to process this type of information. Chimerix may process your special categories of Personal Data on the basis of your explicit consent, or where the processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

The specific grounds on which we process your Personal Data, including your health data, may vary somewhat from the above in order to comply with the requirements of local laws in jurisdictions where we sponsor Trials. If you are a participant in a Trial, please refer to the informed consent form you signed when you joined the Trial for more information about the legal grounds on which we process your Personal Data.

## 7. Cookies

We do not use cookies on our website.

## 8. Data Retention

We will retain your Personal Data until we fulfil the purposes listed above, or for as long as we are required to keep it to comply with applicable laws or regulations.

Once your information has been entered into the Trial records, we cannot remove it without affecting the accuracy of the Trial and the test results. Some laws require us to keep Trial records for at least 25 years after the conclusion of the Trial. We will ensure that your Personal Data is safeguarded at all times.

## 9. Sharing Personal Data With Third Parties

We may share Personal Data with our service providers who process Personal Data on our behalf, and who agree to use the Personal Data only to assist us in fulfilling the purposes of processing as described in Section 5 above, or as required by law. Our service providers include parties providing:

- contract/clinical research organization services;
- preparation and submission of reports/documents to regulatory authorities;
- patient recruitment services;
- quality assurance, safety and pharmacovigilance software, and related services;
- data storage and archiving software and related services;
- data analytics and reporting software and services;
- services related to the collection, storage, testing, and transportation of biological material;
- services related to the delivery, transportation or collection of study drug during the Trial;
- software that randomly decides which treatment you will receive during the Trial;
- logistics and transport service providers; and
- electronic data capture software and hardware.

## 10. International Transfers of Personal Data

The GDPR only allows us to transfer Personal Data outside of the European Union (“EU”) or the European Economic Area (“EEA”) if the country that the data is being transferred to offers an adequate level of protection for the Personal Data which is equivalent to EU law. Chimerix and some of the third parties are located in countries outside of the EU/EEA. In some cases, the European Commission may not have determined that those countries’ data protection laws provide a level of protection for your Personal Data. When the GDPR applies to the processing of your Personal Data, we will only transfer your Personal Data to third parties in countries which are recognized as providing an adequate level of protection for Personal Data, or who provide appropriate safeguards to protect your Personal Data. These safeguards may include the model

data protection clauses approved by the European Commission as approved by the European Commission under [Article 46\(2\) of the GDPR](#).

## 11. Other Disclosures of Your Personal Data

We may disclose your Personal Data:

- to regulators, courts, or competent authorities, to the extent necessary to comply with applicable laws, regulations and rules (including, without limitation, international, national, federal, state, or local laws) and requests of law enforcement, regulatory, and other government agencies, or if required to do so by court order;
- to the extent required by law, or if we have a good-faith belief that we need to disclose and/or retain it in order to comply with official investigations or legal proceedings (whether initiated by governmental/law enforcement officials, private parties, or by Chimerix);
- if, in the future, we sell or transfer, or consider selling or transferring, part or all of our company, business, shares or assets to a third party, and we disclose your Personal Data to such third party in connection with the sale or transfer; or
- in the event that we are acquired by, or merged with, a third-party entity, or in the event of bankruptcy or a comparable event, we reserve the right to transfer, disclose or assign your Personal Data in connection with the foregoing events.

If we have to disclose your Personal Data to governmental/law enforcement officials, or to parties to official investigations or legal proceedings, we may not be able to ensure that those officials or parties will maintain the privacy and security of your Personal Data.

## 12. Data Integrity and Security

We have implemented and will maintain technical, administrative, and physical measures that are reasonably designed to help protect Personal Data from unauthorized processing. This includes unauthorized access, disclosure, alteration, or destruction.

## 13. Your Privacy Rights

Where we are obligated to do so by law, we are required to provide you with specific rights regarding your Personal Data that we collect and process.

For individual patients: to exercise the rights we explain below and to determine whether applicable laws afford you such rights, **please first speak with your study doctor instead of contacting us directly.**

**Right to Know What Happens to Your Personal Data.** You have the right to obtain from us all information regarding our data processing activities that concern you (or your child), such as how we collect and use your Personal Data, how long we will keep it, and who it will be shared with, among other things. We are informing you of how we process your Personal Data with this Notice.

**Right to Know What Personal Data We Have About You.** If we process your Personal Data, you will have the right to request access to (or to update or correct) that Personal Data. This means that you have the right to ask us to confirm whether or not we process your Personal Data, and, where that is the case, obtain a copy of or access to your Personal Data and other related information such as:

- The categories of your Personal Data that we process;
- The categories of sources for your Personal Data;
- Our purposes for processing your Personal Data;
- Where possible, the retention period for your Personal Data, or, if not possible, the criteria used to determine the retention period;
- The categories of third parties with whom we share your Personal Data;
- The specific pieces of Personal Data we process about you in an easily-sharable format;
- The categories of parties that received your Personal Data from us;
- If we rely on legitimate interests as a lawful basis to process your Personal Data, the specific legitimate interests; and
- The appropriate safeguards used to transfer Personal Data from the EEA to a third country, if applicable.

Under some circumstances, we may deny your access request. In that event, we will respond to you with the reason for the denial.

**Right to Change Your Personal Data.** You can also ask us to correct, without undue delay, anything that you think is wrong with the Personal Data we have about you, and to complete any incomplete Personal Data.

**Right to Delete Your Personal Data.** You may ask for your Personal Data to be deleted. Sometimes we can delete your information, but other times it is not possible for either technical or legal reasons. If that is the case, we will consider if we can limit how we use it. We will also inform you of our reason for denying your deletion request.

**Right to Ask Us to Limit How We Process Your Personal Data.** You may also have the right to ask that we limit/restrict our processing of your Personal Data (e.g. if you ask us to only use or store your Personal Data for certain purposes). You have this right in certain circumstances, such as where you have reason to believe the data is inaccurate or the processing activity is unlawful.

**Right to Ask Us to Stop Using Your Personal Data.** You have the right to object to our processing of your Personal Data. We will always strive to fulfill your request. However, please note that there are occasions when doing so may not be possible, like when the law tells us we cannot do that, or where we need your Personal Data to complete the transaction for which we collected the Personal Data.

**Right to Withdraw Your Consent.** As discussed in Section 6 above, if we requested your consent to process your Personal Data, you have the right to withdraw your consent at any time. However, this will not affect the lawfulness of our processing before you withdrew your consent.

It will also not affect processing performed on other lawful grounds. If you withdraw your consent, you may be ineligible to participate in the Trial.

**Right to Port or Move Your Personal Data.** You may also have the right to “data portability”, which means that you may have the right to ask us to provide you with a copy of your Personal Data. If you exercise this right, we will provide you with a copy of your Personal Data in a structured, commonly used and machine-readable format.

To exercise any of your privacy rights or raise any other questions, please contact us by using the information in the “Contact Us” section below. You also have the right to lodge a complaint with a data protection regulator in one or more EEA member States.

#### **14. Privacy of Children**

The website content is intended for users over the age of 18. Since it is impossible to determine the age of individuals who navigate to our websites, we encourage the legal guardians to contact us if they confirm unauthorized data provision by their children in order to delete their data. If we learn that a child under 18 has volunteered personally identifying and/or health-related personal information on the website, or that a provider has volunteered information about a patient who is identified as younger than 18, we will delete such information from our active databases in accordance with our deletion policy.

In case we need to collect Personal Data of minors (i.e. under the age of 18), we endeavour to collect such data from their legal guardian provided that a legal basis for collecting such data exists.

#### **15. Contact Us**

If you have any questions about this Notice or our processing of your Personal Data, please first speak with your study doctor. You may also contact our Data Protection Officer directly using the contact details listed in Section 17 below. Upon receipt of your request, please allow up to one month for us to reply.

#### **16. Data Protection Representative**

While you may contact us at any time, our data protection representative can be contacted about matters related to the processing of your Personal Data.

##### **European Union Representative**

We have appointed DataRep as our representative in the EU for data protection matters. DataRep can be contacted on matters related to the processing of Personal Data. If you want to raise a question to us, or otherwise exercise your rights in respect of your personal data, you may do so by:



- Sending an email to DataRep at [datarequest@datarep.com](mailto:datarequest@datarep.com) quoting <Chimerix, Inc.> in the Subject Line,
- Contacting DataRep on their online webform at [www.datarep.com/data-request](http://www.datarep.com/data-request) , or
- Mailing your inquiry to DataRep at the most convenient of the addresses below.

**PLEASE NOTE: when mailing inquiries, it is ESSENTIAL that you address your letters for 'DataRep' and not 'Chimerix, Inc.'** or your inquiry may not reach the DataRep representative of Chimerix. Please refer clearly to Chimerix, Inc. in the body of your letter. On receiving your correspondence, we may request evidence of your identity, to ensure your personal data and information connected with it is not provided to anyone other than you.

If you have concerns over how DataRep will handle your personal data they will require to undertake their representative services, please refer to DataRep's privacy notice at [www.datarep.com/privacy-policy](http://www.datarep.com/privacy-policy)

Country	Address
Austria	DataRep, City Tower, Brückenkopfgasse 1/6. Stock, Graz, 8020, Austria
Belgium	DataRep, Place de L'Université 16, Louvain-La-Neuve, Waals Brabant, 1348, Belgium
Bulgaria	DataRep, 132 Mimi Balkanska Str., Sofia, 1540, Bulgaria
Croatia	DataRep, Ground & 9th Floor, Hoto Tower, Savska cesta 32, Zagreb, 10000, Croatia
Cyprus	DataRep, Victory House, 205 Archbishop Makarios Avenue, Limassol, 3030, Cyprus
Czech Republic	DataRep, IQ Ostrava Ground floor, 28. října 3346/91, Ostrava-mesto, Moravska, Ostrava, Czech Republic
Denmark	DataRep, Lautruphøj 1-3, Ballerup, 2750, Denmark
Estonia	DataRep, 2 <sup>nd</sup> Floor, Tornimäe 5, Tallinn, 10145, Estonia
Finland	DataRep, Luna House, 5.krs, Mannerheimintie 12 B, Helsinki, 00100, Finland
France	DataRep, 72 rue de Lessard, Rouen, 76100, France
Germany	DataRep, 3rd and 4th floor, Altmarkt 10 B/D, Dresden, 01067, Germany
Greece	DataRep, 24 Lagoumitzi str, Athens, 17671, Greece
Hungary	DataRep, President Centre, Kálmán Imre utca 1, Budapest, 1054, Hungary
Iceland	DataRep, Kalkofnsvegur 2, 101 Reykjavík, Iceland
Ireland	DataRep, The Cube, Monahan Road, Cork, T12 H1XY, Republic of Ireland
Italy	DataRep, Viale Giorgio Ribotta 11, Piano 1, Rome, Lazio, 00144, Italy
Latvia	DataRep, 4th & 5th floors, 14 Terbatas Street, Riga, LV-1011, Latvia
Liechtenstein	DataRep, City Tower, Brückenkopfgasse 1/6. Stock, Graz, 8020, Austria
Lithuania	DataRep, 44A Gedimino Avenue, 01110 Vilnius, Lithuania
Luxembourg	DataRep, BPM 335368, Banzelt 4 A, 6921, Roodt-sur-Syre, Luxembourg
Malta	DataRep, Tower Business Centre, 2nd floor, Tower Street, Swatar, BKR4013, Malta
Netherlands	DataRep, Cuserstraat 93, Floor 2 and 3, Amsterdam, 1081 CN, Netherlands
Norway	DataRep, C.J. Hambros Plass 2c, Oslo, 0164, Norway

<b>Poland</b>	DataRep, Budynek Fronton ul Kamienna 21, Krakow, 31-403, Poland
<b>Portugal</b>	DataRep, Torre de Monsanto, Rua Afonso Praça 30, 7th floor, Algès, Lisbon, 1495-061, Portugal
<b>Romania</b>	DataRep, 15 Piața Charles de Gaulle, nr. 1-T, București, Sectorul 1, 011857, Romania
<b>Slovakia</b>	DataRep, Apollo Business Centre II, Block E / 9th floor, 4D Prievozska, Bratislava, 821 09, Slovakia
<b>Slovenia</b>	DataRep, Trg. Republike 3, Floor 3, Ljubljana, 1000, Slovenia
<b>Spain</b>	DataRep, Calle de Manzanares 4, Madrid, 28005, Spain
<b>Sweden</b>	DataRep, S:t Johannesgatan 2, 4th floor, Malmo, SE - 211 46, Sweden
<b>United Kingdom</b>	DataRep, 107-111 Fleet Street, London, EC4A 2AB, United Kingdom

## 17. Data Protection Officer

We have appointed [VeraSafe](#) as our Data Protection Officer (DPO). While you may contact us directly, VeraSafe can also be contacted on matters related to the processing of Personal Data. VeraSafe’s contact details are:

### **VeraSafe**

Zia Maharaj

100 M Street S.E., Suite 600

Washington, D.C. 20003

Email: [experts@verasafe.com](mailto:experts@verasafe.com)

Web: <https://www.verasafe.com/about-verasafe/contact-us/>

Tell: +1-617-398-7067

## 18. Changes to this Notice

If we change this Notice, we will publish the revised Notice on our website. We will also update the “Last Modified” date.

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