

**SAFE HARBOR PRIVACY POLICY FOR
INFORMATION TRANSFERRED FROM THE EUROPEAN
ECONOMIC AREA COUNTRIES OR SWITZERLAND**

Effective Date: 05/01/2012

I. Policy Statement

EMD Serono, Inc. (“EMD Serono”) strives to uphold the individual privacy of all Personal Information, as defined below, received by EMD Serono. To this end, EMD Serono self certifies to the European Union and Swiss Safe Harbor Privacy Frameworks for Personal Information obtained by or on behalf of EMD Serono in European Economic Area countries (“EEA”) and Switzerland.

The United States-European Union Privacy Framework consists of a set of principles for information protection and frequently asked questions agreed to by the United States Department of Commerce and the European Commission (“U.S.-E.U. Safe Harbor”). The United States Department of Commerce and the Federal Data Protection and Information Commissioner of Switzerland, separately agreed on a similar set of principles and frequently asked questions (“U.S.-Swiss Safe Harbor”). These Safe Harbors enable United States companies to satisfy European Union and Swiss legal requirements that call for protections to be provided to Personal Information transferred from EEA countries and Switzerland to the United States.

EMD Serono adheres to the U.S.-E.U. and the U.S.-Swiss Safe Harbors for all Personal Information gathered by or on behalf of EMD Serono in the EEA or Switzerland. To learn more about the Safe Harbor program, and to view EMD Serono’s certification, please visit <http://www.export.gov/safeharbor/>.

II. Definitions

- A.** “Agent” means any third party that collects or uses Personal Information on behalf of, upon the instruction of, and solely for EMD Serono, or to which EMD Serono discloses Personal Information for use on behalf of EMD Serono.
- B.** “EMD Serono” means EMD Serono, Inc., its predecessors, successors, subdivisions, and groups in the United States.
- C.** “Personal Information” means information that (1) is transferred from the EEA or Switzerland to the United States; (2) is recorded in any form; (3) is about, or pertains to a specific individual; and (4) can be linked to that individual. Personal information does not include information that has been anonymized, encoded, or otherwise removed of its identifiers so as to render any direct or indirect re-identification impossible, or publicly available information unless combined with other non-public Personal Information.

- D.** “Sensitive Personal Information” means Personal Information that reveals race; ethnic origin; sexual orientation; political opinions; religious, ideological, or philosophical beliefs; trade union membership, views, or activities; information that concerns an individual’s health, medical, or sex life; information on social security measures; or information on administrative or criminal proceedings and sanctions, other than in the context of pending proceedings. In addition, EMD Serono also treats any information received from a third party where that third party treats and identifies the information as sensitive as Sensitive Personal Information.

III. Scope

This Safe Harbor Privacy Policy applies to all Personal Information received by EMD Serono in the United States, including without limitation Personal Information received from or about employees and/or job applicants, and received through clinical trials conducted by or on behalf of EMD Serono in the EEA and Switzerland, in any format, including electronic, paper, or oral, as of the Effective Date of this policy, unless subjects are otherwise notified.

IV. Policy Guidelines

A. Safe Harbor Privacy Principles

The U.S.-E.U. and U.S.-Swiss Safe Harbors prescribe core privacy principles that certifying companies must abide by. Accordingly, EMD Serono subscribes to the following privacy standards.

1. Notice

Where EMD Serono collects Personal Information directly from individuals, EMD Serono will inform such individuals about the purpose for which it collects and uses the Personal Information, and the types of non-Agent third parties to which the Personal Information may be disclosed. EMD Serono will also provide individuals with information on how to contact EMD Serono, and the choice and means, if any, for limiting the use and disclosure of Personal Information. Notice will be provided in a clear and conspicuous manner when individuals are first asked to provide Personal Information to EMD Serono, or as soon as practicable thereafter. In any event, notice will be provided before EMD Serono uses or discloses the Personal Information for a purpose other than that for which it was originally collected.

Where EMD Serono receives Personal Information from its subsidiaries, affiliates, or other entities in the EEA or Switzerland, it will abide by the notices provided by such entities and the applicable individuals.

2. Choice

EMD Serono will offer individuals the opportunity to choose (opt-out) whether their Personal Information is (1) to be disclosed to a non-Agent third party or (2)

to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

For Sensitive Personal Information, EMD Serono will give individuals the opportunity to affirmatively and explicitly (opt-in) consent to the disclosure of the information to a non-Agent third party or for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual. In certain circumstances, however, an opt-in choice will not be provided. Opt-in choices will not be provided when Sensitive Personal Information use or disclosure is: (1) in the vital interests of the data subject or another person; (2) necessary for the establishment of legal claims or defenses; (3) required to provide medical care or diagnosis; or (4) related to data that are manifestly made public by the individual.

3. Transfers to Agents

EMD Serono will only transfer Personal Information to an Agent where the Agent has provided assurance via a written agreement that the Agent provides at least the same level of privacy protection as is required by the U.S.-E.U. or U.S.-Swiss Safe Harbors, as applicable; subscribes to the U.S.-E.U. and/or U.S. Swiss Safe Harbors, as appropriate; or is subject to the E.U.'s Directive on Data Protection, the Swiss Federal Act of 19 June 1992 on Data Protection, or is subject to another privacy adequacy finding of the European Commission or Swiss Federal Data Protection and Information Commissioner, as applicable. Where EMD Serono receives information that an Agent is using or sharing Personal Information in a way that is contrary to the U.S.-E.U. or U.S.-Swiss Safe Harbors, as applicable, EMD Serono will take reasonable steps to prevent or stop such processing.

4. Onward Transfers

Prior to disclosing Personal Information to a non-Agent third party, EMD Serono will notify the individual of such disclosure and allow the individual the choice of such disclosure, consistent with the Notice and Choice principles above. Where EMD Serono receives information that a non-Agent third party is using or sharing Personal Information in a way that is contrary to the U.S.-E.U. or U.S.-Swiss Safe Harbors, as applicable, EMD Serono will take reasonable steps to prevent or stop such processing.

5. Data Security

EMD Serono will take reasonable steps to protect Personal Information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction.

6. Data Integrity

EMD Serono will only use Personal Information in a way that is compatible with and relevant for the purpose for which the Personal Information was collected or

authorized by the individual. To the extent necessary for those purposes, EMD Serono will take reasonable steps to ensure that Personal Information is accurate, complete, current, and reliable for its intended use.

7. Access

Upon request, EMD Serono will provide individuals reasonable access to Personal Information that EMD Serono holds about them. EMD Serono will also take reasonable steps to allow individuals to correct, amend, or delete inaccurate information, except where the burden or expense of providing access would be disproportionate to the risks to the privacy of the individual in the case in question or where the rights of persons other than the individual would be violated. Access may further be denied in the case of confidential commercial information.

8. Enforcement

EMD Serono has internal mechanisms to verify EMD Serono's compliance with the U.S.-E.U. and U.S.-Swiss Safe Harbors. These mechanisms also periodically verify that the Safe Harbor Privacy Policy is accurate, comprehensive for Personal Information, prominently displayed and accessible, completely implemented, and in conformity with the U.S.-E.U. and U.S. Swiss Safe Harbors.

EMD Serono encourages interested persons to raise any questions or concerns regarding the use or disclosure of Personal Information using the contact information provided. EMD Serono will investigate and attempt to resolve any complaints and disputes regarding use and disclosure of Personal Information in accordance with this Safe Harbor Privacy Policy.

If a complaint or dispute cannot be resolved through EMD Serono's internal process, EMD Serono agrees to dispute resolution using the EU Data Protection Authorities.

Any EMD Serono employee that EMD Serono determines is in violation of this Safe Harbor Privacy Policy will be subject to disciplinary action up to and including termination of employment.

B. Limitations

Adherence by EMD Serono to these privacy principles may be limited to the extent required to meet legal, governmental, national security, or public interest obligations, or as expressly permitted by an applicable law, rule, or regulation. Further limitations, as permitted by the U.S.-E.U. and U.S. Swiss Safe Harbors, as applicable, may be included in notices to individuals.

C. Amendments

This Safe Harbor Privacy Policy may be amended from time to time consistent with the requirements of the Safe Harbor.

V. Dispute Resolution

If you have questions or concerns regarding this Policy, you should first contact us via the information below. If contacting us does not resolve your complaint, you may raise your complaint with TRUSTe by [Internet here](#), or by fax at 415-520-3420 or mail to TRUSTe Safe Harbor Compliance Dept., [click for mailing address](#). If you are faxing or mailing TRUSTe to lodge a complaint, you must include the following information: the name of company, the alleged privacy violation, your contact information, and whether you would like the particulars of your complaint shared with the company. For information about TRUSTe or the operation of TRUSTe's dispute resolution process, click [here](#) or request this information from TRUSTe at any of the addresses listed above. The TRUSTe dispute resolution process shall be conducted in English. For human resources data we have agreed to cooperate with EU Data Protection Authorities.

VI. Contacts

Questions, comments, or complaints regarding EMD Serono's Safe Harbor Privacy Policy, or data collection and processing practices can be mailed or emailed to:

Devin Smith, General Counsel of EMD Serono, Inc., One Technology Place, Rockland, MA 02370 or safe.harbor@emdserono.com.