

## Privacy Notice

Smith & Nephew Pty Limited and Smith & Nephew Limited (S+N, we, us, our) are committed to upholding the Australian and New Zealand Privacy Principles (as applicable) and the applicable Australian and New Zealand privacy legislation (including the Privacy Act 1988 (Cth) and Privacy Act 2020 (NZ)). This privacy notice applies to personal information that S+N collects and describes how S+N and the companies of the S+N group will collect and use personal information collected by it.

**This privacy notice applies in addition to, and does not limit, any rights and obligations under applicable laws or any specific authorisation that you provide to us when you interact with us.**

### Collection Notice

S+N collects the personal information for purposes reasonably necessary for, or related to, our business of the provision of medical devices. S+N also collects personal information to comply with regulatory obligations placed upon it (for example, to meet the requirements of the Therapeutic Goods Act 1989 (Cth) and the Medicines Act 1981 (NZ)). Personal information collected may be of various types including name, address, email address, phone number, medical speciality and professional history. For patients we may collect implant details and history, healthcare professional details, product data for devices provided to you and product performance data.

### From where do we gather your information

S+N obtains your personal information from a number of sources. You may provide us your personal information personally, for example during meetings, discussions with sales representatives, use of the S+N website (including through the use of cookies) or provision of documents and/or information directly into a S+N system. S+N also obtain personal information through interactions with healthcare professionals and healthcare facilities by, for example, providing assistance or technical advice to healthcare practitioners and responding to product and service queries. Additionally, we obtain details from publicly available sources.

### How do we use your information

Personal information collected is used for the primary purpose for which it is collected. This generally includes providing products and/or services requested by you or your healthcare professional, administering the supply and distribution of our products as required by you or your healthcare professional, supporting your ongoing care directly or with your healthcare professional (if you are a patient), administering training programs, and complying with regulatory requirements such as maintaining records relating to complaints, adverse events and recalls. We may also use the information a number of purposes related to our business and the provision of our products, including to provide you information about our products and events, respond to requests for information, manage accounts and ensure payment for our products, plan and manage meetings between you and S+N representatives, manage concerns raised with products and services, comply with a law, court order or other

regulatory requirement, and undertake any other activities for which you have provided consent. When information is processed in our legitimate interest, we seek to ensure a balance between our purposes, and protection of your rights and freedoms.

We may at times collect sensitive personal information such as health information as part of our providing our services to you. Where we use sensitive personal information for a purpose that is not directly related to the primary purpose for which it was collected we will, where reasonable and practical, seek your consent before such use. We will use sensitive personal information for secondary purposes only in limited circumstances, such as a serious threat to the life, health or safety of an individual or as required by law.

## **Sharing your Personal information**

Your personal information may be shared with other S+N group companies and with certain third parties, such as:

- entities within the S+N group: this sharing occurs when it is necessary or reasonably required to process the personal information, in view of our relationship with you;
- third party service providers: we share your personal information with service providers who provide services to us (such as IT and financial services providers) in connection with our business operations. These third-party service providers can only process your personal information on instructions from S+N and they are not permitted to use your personal information for their own purposes. S+N will not sell your personal information to any third party for any purposes;
- government authorities, law enforcement agencies or other third parties: we share your personal information with such parties if required by law or reasonably necessary to protect the rights, property and safety of others or ourselves;
- auditors and consultants: to verify our compliance with external and internal requirements; statutory bodies, law enforcement agencies and litigants, as per a legal and ethics reporting or transparency requirement or claim;
- our successor in title: we may share your personal information with any third party that purchases, or to whom we transfer, all or substantially all of our assets and business.

Third parties with whom S+N shares personal information are required to meet the requirements of Australian and New Zealand privacy legislation (as applicable).

## **International Transfers of Information**

The personal information that we collect from you may be transferred to, and stored and used at, a destination outside of your country and in any country in which we operate (S+N office locations are listed at ([www.smith-nephew.com/about-us/where-we-operate/](http://www.smith-nephew.com/about-us/where-we-operate/)), or locations where our subcontractors or agents may maintain facilities. These countries include the United States, the United Kingdom, Singapore and Malaysia. The information will be processed by staff who work for us or for one of our suppliers for, among other things, the fulfilment of a request or order, the processing of payment details, the provision of support, or information hosting services. S+N will ensure that the use of personal information transferred overseas is in accordance with this notice and the requirements of Australian and New Zealand privacy legislation (as applicable).

By providing your personal information to S+N you consent to the transfer, use and storage of the information in other countries.

## **Retention of your personal information**

We will hold your personal information throughout the duration of your relationship with S+N and afterwards for proportionate retention periods. We will not retain your personal information for longer than is necessary, but may retain your personal information if required for administration obligations, to defend our legal rights, or where we are subject to a statutory retention obligation. More information can be obtained by contacting S+N using our contact details set out below under 'How to Contact Us'.

## **Access and Correction**

You may request details of the personal information we hold about you. In certain circumstances and subject to applicable privacy laws we will provide you with a copy of such personal information within a reasonable time. A small fee may be payable for copies of your personal information that you may request from us. There may be instances where we cannot grant you access to the personal information we hold (for example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality). If we cannot grant you access to the personal information, we will give you written reasons for any refusal.

We want to make sure that the personal information we hold is accurate and up-to-date. You may ask us to correct personal information that you think is inaccurate. We will take such reasonable steps to correct that information, however there may be instances where we may be unable to make corrections. If this happens we will give you written reasons for the inability to make the corrections.

To exercise these rights, you can make a written request using our contact details set out below under 'How to Contact Us'. We may require you to provide additional information or documentation to identify you.

## **Information Security**

We implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk of protecting the personal information you provide against accidental or unlawful destruction, loss, alteration, unauthorized disclosure of or access to personal information. Whilst S+N cannot guarantee against any accidental or unlawful destruction, loss, alteration, unauthorized disclosure of or access to your personal information, we take security safeguards as are reasonable in the circumstances to protect against such incidents occurring.

## **Complaints**

If you have any complaints about how your personal information has been handled by S+N or you consider that there has been a breach of Australian or New Zealand privacy legislation, please contact S+N using our contact details set out below under 'How to Contact Us'.

# Smith+Nephew

## **How to Contact Us**

If you have any comments or inquiries about this privacy notice, or to exercise your rights in relation to it or your personal information, you may contact us by e-mail at [privacyenquiries@smith-nephew.com](mailto:privacyenquiries@smith-nephew.com).

You may request a copy of our privacy policy at any time.

## **Updating**

S+N may review or revise this privacy notice and how we handle personal information from time to time. Any changes to this privacy notice will be consistent with the current privacy legislation in Australia and New Zealand.

October 2022

Related links: [Cookie Policy](#)