

APPROVED BY

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Evogen LLC

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**PERSONAL DATA PROCESSING  
AND PROTECTION POLICY  
of Evogen LLC**

**Moscow, 2019**

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## 1. General Provisions

1.1. This Policy sets out the general principles and procedure for the processing of personal data and actions required to ensure personal data safety and security in Evogen LLC (Evogen).

This Policy is aimed at ensuring the protection of human and citizenship rights and freedoms in the personal data processing, including the protection of rights to privacy, personal and family secrets, together with precise and strict adherence to the personal data protection requirements of the Russian legislation.

1.2. The Personal Data Processing Policy has been developed in accordance with the provisions of Federal Law No. 152-FZ *On Personal Data* of July 27, 2006, Federal Law No. 323-FZ *On the Basics of the Public Health Protection in the Russian Federation* dated November 21, 2011, and other laws and regulations establishing the procedure for personal data processing and setting requirements for personal data security.

1.3. This Policy contains the following terms and definitions:

**automated processing of personal data** means personal data processing by means of computer equipment;

**biometric data** means data, which describe physiological and biological characteristics of an individual, enable personal identification and are used by the data controller to identify the data subject;

**blocking of personal data** means temporary suspension of personal data processing (except to the extent that the processing is necessary for personal data update/rectification);

**access to personal data** means making personal data of data subjects, which are processed by the data controller, available to certain persons (including employees), provided that those data will be kept confidential;

**personal data management system** means a set of personal data contained in databases together with information technologies and devices used for the processing of personal data;

**customer** means an individual who has entered into, or intends to enter into Evogen's service agreement;

**counterparty** means a party to any Evogen agreement/contract;

**confidentiality of personal data** means the duty of persons with access to personal data not to disclose personal data to any third party or distribute personal data without the consent of the data subject, unless otherwise provided by the federal law;

**personal data depersonalization** means actions, which make it impossible to identify personal data as related to a specific data subject without using additional information;

**processing of personal data** means any action (operation) or a set of actions (operations) performed with or without the use of automation equipment for personal data handling, including collection, recording, structuring, accumulation, storage, correction (update, modification), retrieval, use, transfer (spreading, provision, access), depersonalization, blocking, deletion, and destruction of personal data;

**publicly available personal data** means personal data, which are made accessible to the general public by virtue of the federal law, or by, or at the request of the data subject, including data that are subject to mandatory disclosure or publication as required by law;

**data controller** means a legal entity or an individual, who, either independently or together with others, arranges for and/or is involved in the processing of personal data and who

determines the purpose of personal data processing, composition of the personal data to be processed, and actions (operations) to be performed in respect of personal data;

**personal data** means any information that relates to an identified or identifiable, either directly or indirectly, individual (the data subject);

**provision of personal data** means actions aimed at the disclosure of personal data to a certain person or a certain group of persons;

**special category personal data** means personal data concerning racial or ethnic origin, political opinions, religious or philosophical beliefs, health, and sexual life;

**data subject** means a natural person to whom the personal data relate;

**cross-border personal data transfer** means the transfer of personal data to a foreign country to an authority, an individual, or a legal entity of the foreign country;

**destruction of personal data** means actions, which make it impossible to restore personal data in the data management system and/or which result in the destruction of physical storage media.

1.4. The Policy shall apply to all personal data of data subjects, which are processed by Evogen with or without the use of automation equipment.

1.5. This Policy is published on Evogen website on the Internet at: <http://www.evogenlab.ru/> and will be made accessible without limitations to anyone who will personally contact Evogen to request to do so.

## 2. Status of Evogen and Categories of Data Subjects

2.1. Evogen is a data controller with respect to personal data of the following individuals:

- employees of Evogen, LLC who have signed contracts of employment, and individuals who perform work for Evogen under civil law contracts or business contracts (hereinafter referred to as **Employees**);
- families of Evogen employees whose personal data must be processed in accordance with federal laws by Evogen as the employer as required by the statistical authorities (hereinafter referred to as **Employee Family Members**);
- applicants for positions opened at Evogen, LLC, who have submitted their *curricula vitae* or job application forms personally or through any recruitment/employment/staffing agency (hereinafter referred to as **Job Applicants**);
- Evogen customers who may be natural persons, individual entrepreneurs, legal entities, or municipalities (hereinafter referred to as **Customers**);
- individuals whose personal data are processed by Evogen on the basis of information provided by Evogen's Customers on their own account (hereinafter referred to as **Customer Representatives**);
- persons who act for the benefits of a customer in accordance with the Civil Code (hereinafter referred to as **Customer Agents**);
- representatives of Evogen counterparties with whom Evogen has entered into, or intends to enter into any contractual relationships (hereinafter referred to as **Counterparty Representatives**);
- representatives of any data subjects others than Evogen employees who contact Evogen for and on behalf of the data subjects (hereinafter referred to as **Data Subject Representatives**);

- visitors to protected office buildings and premises of Evogen, Evogen branches and offices, who are not eligible to enter the same on a regular basis and who are required to hold a one-day pass (hereinafter referred to as **Visitors**).

2.2. Evogen is a data processor processing personal data of Employees on behalf of other data controllers, including:

- authorities and public off-budget social security funds funded with moneys of Employees or with moneys to be credited to Employees' accounts (e.g., tax inspectorates of the Federal Tax Service, territorial offices of the Pension Fund of Russia, the Federal Compulsory Medical Insurance Fund, Social Insurance Fund, etc.);
- military commissariats obtaining personal data, which are provided (transmitted) in the events and to the extent stipulated by the applicable laws of Russian Federation.

The above-mentioned data controllers obtain personal data provided (transmitted) to the extent as set forth by the federal laws, relevant authorities and public off-budget social security funds within the scope of the powers thereof. No express consent is required from data subjects (i.e., Evogen Employees) to transfer personal data as provided above.

### **3. Principles for Personal Data Processing**

Evogen will process personal data in accordance with the following principles:

3.1. Lawfulness and fairness. Evogen will take all steps as required in order to comply with the laws and will process personal data to the extent that the processing personal data is permitted by the laws of the Russian Federation. It will not use any personal data to the detriment of the data subjects.

3.2. Purpose limitation. The processing of personal data will be limited by specific, pre-determined and lawful purposes in accordance with Federal Law No. 152-Φ3 *On Personal Data* of July 27, 2006. Evogen's purposes for the processing of personal data shall include:

- with respect to Employees, training, advancement and promotion support, personal safety of Employees, quantity and quality controls, safety of property, calculations and payment of wages and other types of compensation, calculations and payment of taxes and insurance premiums;
- with respect to Employee Family Members, benefits and guarantees to be granted to Employees as required by the federal laws for individuals with children/adopted children or individuals having family responsibilities, and compliance with rules and regulations of the national statistical authorities;
- with respect to Job Applicants, making decisions on whether the existing job openings can be held by those potential candidates who best meet qualifications set out by Evogen;
- with respect to individual Customers, provision of research and health care services, accounting, and tax information reporting;
- with respect to Customer Representatives, fulfillment of Customers' instructions to submit/obtain research findings or results of any medical services;
- with respect to Customer Agents, provision of opportunities for them to fulfill the roles and exercise the powers provided for by the Civil Code of the Russian Federation;
- with respect to Counterparty Representatives, meeting the contract work requirements of the Civil Code of the Russian Federation and fulfillment of related agreements/contracts;

- with respect to Data Subject Representatives, acting as instructed by Data Subject Representatives;
- with respect to Visitors, provision of opportunities for them to enter protected office buildings and premises of Evogen, Evogen branches and offices.

3.3. Data minimization. Evogen declares that it will not collect or process any personal data that are not required for the purposes mentioned above in Paragraph 3.2 of this Policy, nor will it use any personal data of data subjects for any purposes other than those mentioned before.

3.4. Data separation control.

3.5. Accuracy, adequacy and relevance. Evogen will take any reasonable step to keep the personal data it processes up-to-date, including, but not limited to, enabling every data subject to exercise their right to receive and review their personal data and request that Evogen update/rectify, block or destroy their personal data if they are incomplete, outdated, inaccurate, or unlawfully obtained, or if they are not necessary for the above-mentioned purposes of the processing.

3.6. Storage limitation. Personal data will be stored in a manner enabling data subject identification and no longer than it is required for the purposes of the personal data processing, if the timescales for the personal data storage is not set by the laws of the Russian Federation or by any agreement/contract to which the data subject is a party, or under which the data subject is a beneficiary.

3.7. Destruction or anonymization. Personal data will be destroyed or anonymized after the above-mentioned purposes of the personal data processing have been achieved or if the need to achieve these purposes no longer exists, where Evogen is unable to rectify a breach of the procedure for the personal data processing as established by the laws of the Russian Federation, or where the data subject has withdrawn their consent to the processing of their personal data, unless otherwise provided by the laws of the Russian Federation or set forth in data subject agreements.

#### **4. Conditions for Personal Data Processing**

4.1. Evogen may only process personal data, when:

4.1.1. The data subject agrees to the processing of their personal data. The rules for obtaining consent of the data subject are described below in Section 8 of this Policy.

4.1.2. The processing of personal data is necessary for fulfilling the functions, powers and responsibilities entrusted to Evogen by virtue of the laws of the Russian Federation, including, but not limited to, the processing of special category personal data provided by Employees for the purposes stipulated by the Labor Code of the Russian Federation, the processing of personal data of Customer Representatives and Customer Agents, Counterparty Representatives, etc.

4.1.3. The personal data processing is needed to perform an agreement/contract to which the data subject is a party, or under which the data subject is a beneficiary, or to enter into an agreement/contract initiated by the data subject, or an agreement/contract under which the data subject will be a beneficiary.

4.1.4. Pre-contractual work is a recruitment activity, in which consent of the data subject is confirmed either with a job application form completed by the data subject personally or with a job application form/CV submitted by the data subject to Evogen or to a recruitment agency, or published by the data subject on recruitment websites on Internet, or sent by the data subject to Evogen by email, as well as execution of agreements/contracts with individual customers and agreements/contracts where individuals act as beneficiaries.

4.1.5. The processing of personal data is necessary for the exercise of rights and legitimate interests of Evogen or any third party, or in order that Evogen could be able to achieve social purposes, provided that this does not infringe upon any right or freedom of any data subject.

4.1.6. Personal data are processed for statistical or other research purposes, subject to personal data depersonalization.

4.1.7. Personal data are made accessible for an indefinite number of people by or, at the request of the data subject.

4.1.8. Publishing or mandatory disclosure of personal data is required in accordance with the laws of the Russian Federation.

4.2. Evogen will not disclose any personal data to any third party or distribute personal data without the consent of the data subject, unless otherwise provided by the laws of the Russian Federation.

4.3. Evogen will not process any special category personal data relating to Employees' political opinions, religious or philosophical beliefs, or membership in public associations, except as expressly provided by the laws of the Russian Federation (in particular, in relation to trade union membership) or in any Evogen-Customer agreement/contract.

4.4. Personal data about criminal convictions or offences will be processed by Evogen only in the events and in the manner as required by the laws of the Russian Federation.

4.5. Biometric data, including photographic images used by Evogen in order to identify of the data subject (in particular, in the event of access control), may be processed by Evogen to the extent that it has obtained the written consent of the data subject for so doing, or if the processing of biometric data is required by the laws of the Russian Federation.

4.6. Evogen will not transfer personal data to other countries, except to the extent that this is provided in any Evogen-Customer agreement/contract.

4.7. Evogen will make no decisions that give rise to any legal effects in respect of any data subject or otherwise affecting rights and legitimate interests of data subjects solely on the basis of the automated processing of personal data. Data, which may have any legal effect or may affect any right and legitimate interest of the data subject, will be verified by authorized employees of Evogen prior to their usage.

## **5. Methods of Personal Data Processing**

5.1. Evogen will process personal data with and without the use of automation equipment.

5.2. This Policy shall apply in full to the processing of personal data with the use of automation equipment, and it shall apply to the processing of personal data without the use of automation equipment where the processing is consistent with the nature of actions (operations) performed when dealing with personal data with the use of automation equipment, in other words, where the processing enables search of, and/or access to personal data fixed in a tangible medium, or contained in files or other systematic personal data compendiums based on a predetermined algorithm.

## **6. Confidentiality of Personal Data**

6.1. Evogen will ensure that the personal data it processes will be kept confidential as required by the laws of the Russian Federation.

The confidentiality regime shall not be required for:

- anonymized personal data;
- personal data, which have been made accessible for an indefinite number of people by or, at the request of the data subject (personal data made publicly accessible by the data subject); and
- personal data to be published, or disclosed as required by the laws of the Russian Federation.

6.2. Evogen publishes information containing personal data of Evogen medical personnel on its official website on the Internet pursuant to Order of the Russian Ministry of Health No. 956H *On Information Required for Independent Assessments of Services Rendered by Health Care Organizations and Requirements to the Content and Form of Information about Activities by Health Care Organizations To Be Published on Official Websites of the Russian Ministry of Health, Authorities in Constituent Entities of the Russian Federation, Local Governments and Health Care Organizations on the Internet* dated December 30, 2014 and as required by the laws of the Russian Federation. No information will be published without the written consent of data subjects, if the law does not require to do so.

## **7. Public Sources of Personal Data**

7.1. Evogen may create some publicly available sources of personal data (including directories or address books) for the purposes of information management. They may include first names, last names, patronymics, dates and places of birth, addresses, phone numbers, job-related information, and other personal data communicated by the data subject to the extent that Evogen has obtained the written consent of the data subject.

7.2. Information about the data subject must be removed from the publicly available sources of personal data at any time at the request of the data subject, or following the court order or the order of other government authorities.

## **8. Consent of the Data Subject**

8.1. The data subject will decide whether to provide their personal data to Evogen and will give their consent to the processing of their personal data freely, voluntarily, and *pro domo sua*. Consent to the personal data processing should be specific, informed and conscious and may be granted by the data subject in any form enabling Evogen to prove its receipt, unless otherwise provided by the laws of the Russian Federation.

8.2. Where Evogen obtains consent to the personal data processing from a representative of the data subject, it will verify whether this representative is authorized to give consent to the personal data processing on behalf of the data subject.

8.3. No explicit consent specially given by Employees is required for the processing of their personal data, because the processing is necessary for the performance of the employment contract to which the data subject as an Employee is a party, except when written consent of the Employee is required for some specific cases of the personal data processing.

8.4. No explicit consent specially given by Employee Family Members is required, where their personal data are processed pursuant to the laws of the Russian Federation and by Evogen as an employer as required by the national statistical authorities. In all other events, provable/certifiable consent of Employee Family Members to the processing of their personal data by Evogen is required.

8.5. No explicit consent specially given by Job Applicants is required for the processing of their personal data, because the processing is needed for an employment contract initiated by the Job Applicant being the data subject, except to the extent that the Applicant's



written consent must be obtained for some specific cases of the personal data processing. If Evogen decides to reject a Job Applicant, the Applicant's personal data must be destroyed within 30 days upon the decision to do so, unless otherwise stipulated in the Applicant's consent to the processing of their personal data.

8.6. No explicit consent specially given by individual Customers is required (except for cross-border personal data transfer and sharing personal data with any third party) for the processing of their personal data (save for special category personal data), because an individual Customer is a party to the Evogen-Customer agreement/contract initiated by the data subject. Evogen-Customer agreements/contracts include any Evogen's public offers accepted by virtue of the Customer's actions to confirm that the Customer agrees with the terms and conditions of the offer, i.e., presentation of any identity document.

If Evogen requests any personal data and the personal data processing is neither required by the laws of the Russian Federation, nor needed for performance of any agreement/contract, to which the data subject is a party, Evogen shall only obtain consent of the data subject to the processing of additional personal data.

8.7. No explicit consent specially given by Beneficiaries is required for the processing of their personal data, because such processing of personal data without consent is expressly provided by Paragraph 5 of Part 1 of Article 6 of Federal Law No. 152-ФЗ *On Personal Data* dated July 27, 2006.

8.8. No explicit consent specially given by Customer Representatives is required for the processing of their personal data, because, if given to Evogen, this may result in infringement of right of Evogen's Customers to health privacy.

8.9. Customer Agents will confirm their consent to the processing of their personal data through actions implying that they have intent of entering into an agreement/contract by presenting their identity documents to Evogen's personnel.

8.10. Personal data of those who have entered into Evogen agreements/contracts, which are contained in unified state registers of legal entities and individual entrepreneurs, are open and available to the public, except for number, date of issue and issuing authority on identity documents of natural persons. It is not required that Evogen should keep them confidential and obtain consent of data subjects. In all other events, Evogen is required to obtain consent of data subjects being Counterparty Representatives, except those who have entered into Evogen agreements/contracts and provided power of attorney authorizing them to act for and on behalf of the data subjects and who, therefore, have taken explicit actions confirming their agreement to the processing of the personal data specified in the agreement/contract and/or the power of attorney. Evogen's counterparties may obtain consent to the transfer of personal data of their representatives/employees to Evogen. In this case, Evogen will not need to obtain consent to the processing of personal data.

8.11. Consent of Data Subject Representatives to the processing of their personal data will be given explicitly by providing power of attorney authorizing them to act for and on behalf of the data subjects together with identity documents.

8.12. Consent of Visitors to the processing of their personal data will be given explicitly either by providing their personal data required for entry into Evogen's offices or by presenting an identity document to security guards.

8.13. No consent of data subjects for the provision of personal data is required, where Evogen receives, within the powers conferred upon it, any reasonable request from prosecutors, law enforcement agencies, security agencies, labor inspectors carrying out supervision and control over the observance of the Labor Code of Russian Federation, or other authorities

authorized to request information about employees in accordance with the competence provided for by the laws of the Russian Federation.

The reasonable request must indicate purposes of the request and contain a reference to the legal instruments on which the request is based upon, including those that confirm the powers of the requesting authorities, and a list of requested information.

8.14. Where Evogen is requested by entities that have no adequate powers, Evogen must obtain consent of the data subject for the processing of their personal data, inform those persons receiving personal data that these data may not be used for purposes other than the purposes of their communication and require acknowledgement that this rule will be (was) observed.

8.15. The data subject may withdraw their consent to the processing of personal data that are not required to be processed by the laws of the Russian Federation or that are unnecessary for performance of the Evogen agreement/contract to which the data subject is a party, or under which the data subject is a beneficiary.

8.16. In all cases, proving that consent of the data subject or evidence of the grounds stipulated by Federal Law No. 152-Φ3 *On Personal Data* dated July 27, 2006 has been received shall be the responsibility of Evogen.

## **9. Rights of Data Subjects**

9.1. The data subject shall be entitled to obtain information about the processing of their personal data. The data subject may request Evogen to update/rectify, block or destroy their personal data, if their personal data are incomplete, outdated, inaccurate, illegally obtained or are not necessary for the stated purpose of the processing. The data subject shall be also entitled to take steps as provided for by the laws of the Russian Federation in order to protect their rights.

9.2. Where the data subject thinks that Evogen processes their personal data in violation of the laws of the Russian Federation or otherwise infringes their rights and freedoms, the data subject shall be entitled to complain against the actions or omissions of Evogen to the authorities responsible for protecting rights of data subjects or before a court.

9.3. The data subject shall be entitled to protect their legitimate rights and interests, including indemnification for damages and/or moral damage compensation, in court.

## **10. Information about Ongoing Data Protection Requirements**

10.1. Personal data processed by Evogen shall be protected through legal, management and technological actions, which are necessary and sufficient in order to comply with the data protection laws.

10.2. The legal actions shall include:

- development and publishing of Evogen's local regulations to comply with the laws of the Russian Federation, including this Policy, on Evogen website on the Internet;
- abandonment of any methods of the personal data processing that fail to meet the purposes set forth in this Policy; and
- assessment of what damages may be caused to the data subject in case of any violation of Federal Law No. 152-Φ3 *On Personal Data* dated July 27, 2006 together with the proportion of the above-mentioned damages and steps taken by Evogen in order to fulfill the statutory duties.

10.3. The management actions shall include:

- appointment of an officer responsible for the processing and safety/security of personal data;
- imposing the responsibility to ensure safety/security of personal data in management systems on an official of Evogen;
- internal checks and/or audits with respect to whether the personal data processing complies with Federal Law No. 152-ФЗ *On Personal Data* of July 27, 2006 and related regulations, data protection requirements, Evogen Personal Data Processing Policy and local rules. Evogen shall verify compliance with safety/security requirements not less than once in three years on dates to be determined by Evogen;
- reduction of the number of Evogen's employees eligible for access to personal data and creation of access permit frameworks;
- ensuring that Evogen's employees who are directly involved in personal data processing know personal data provisions of the Russian laws, including requirements for personal data protection, instruments regulating personal data processing policies of data controllers, and local personal data processing rules and/or that Evogen's employees have been trained accordingly;
- setting the duties to ensure safety/security of personal data together with related liabilities in Evogen job descriptions;
- regulation of the processes of the personal data processing;
- registering and storage of physical storage media to prevent any theft, spoofing, unauthorized copying, or destruction;
- identification of security threats relevant to personal data management systems based on assessments of potential damages to data subjects, which may be caused in case of any violation of security requirements, evaluation of personal data protection, and threat modeling;
- arrangement of processing hardware within the protected area;
- limiting access to Evogen buildings for unauthorized persons to prevent their presence in areas where Evogen processes personal data and where processing hardware is located, without any control by Evogen's employees.

10.4. Technological actions shall include:

- development of a threat-based personal data protection system to ensure personal data security levels as required;
- use of verified information security product in order to neutralize any actual threat;
- assessment of the effectiveness of measures taken to ensure personal data security;
- implementation of access permit frameworks to provide access to personal data that are processed in management systems, data protection firmware and software;
- registration and recording of processing activities by users of the management systems employed to process personal data;
- identification of malicious software (use of antivirus software) on all units in Evogen's information network with appropriate technical capabilities;
- use of safe interconnection (application firewall);
- identification of intrusions in the Evogen management system, which may violate, or jeopardize compliance with the established security requirements;

- recovery of personal data modified or destroyed as a result of unauthorized access (the personal data backup and recovery system); and
- regular monitoring of user actions and security violation investigations.

## **11. Final Provisions**

11.1. Other duties and rights of Evogen as a data controller and a data processor processing personal data on behalf of other controllers shall be determined by the personal data laws of the Russian Federation.

11.2. Any official or employee of Evogen who is found guilty of violation of the personal data processing and protection rules shall bear personal, disciplinary, administrative, civil, or criminal liabilities in accordance with the laws of the Russian Federation.

11.3. The provisions of this Policy shall be revised as necessary, subject to mandatory revision in the event of any significant changes to the international or national data protection laws and regulations.

The provisions of the Policy will be amended with due regard to:

- any modification to the information infrastructure and/or information technologies used by Evogen;
- the data protection law enforcement practices established in Russia; and
- any changes in the processing environment and characteristics in Evogen due to introduction of new management systems, processes, or technologies.