

MASIMO PRIVACY NOTICE

Last Updated: March 23, 2020

Masimo Corporation and its affiliates (collectively, “Masimo”) want you to know how your personal information is collected, used, and disclosed by us. This Privacy Notice describes how your information is collected through our websites, services, products, and applications (collectively, “Masimo Services”) and how it is used by us and to whom we may disclose it and for what purpose. This Privacy Notice does not apply to any personal information that is collected by or through a third party, such as those that purchase or use our medical devices, even if that party used the Masimo Services to collect the information. **By using the Masimo Services, you agree to the terms of this Privacy Notice.**

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TYPES OF INFORMATION WE COLLECT

Depending on your relationship with us, including whether you visit any of our websites, purchase or use certain of our products or services, visit us, or go to our events, Masimo may collect various types of information from you and about you. Below is a list of information that we may collect from you depending on the situation:

- **Identifying Information.** Examples of this information include your name, unique personal identifier, mailing address, email address, and telephone number.
- **Health Information.** Examples of this include, depending on your settings in, for example, one of Masimo’s health related application installed on your smart device, information about your weight, height, oxygen saturation, pulse rate, or other health related data you enter into the application or permit the application to access from other applications installed on your smart device.
- **Social Media Information.** This information includes what you post on our social media pages.
- **Event Information.** Examples of this include your professional information, like where you work, professional contact information, or dietary preferences for a Masimo sponsored event.
- **Information You Give Us.** For example, this could include information you give us when you contact us through the “Contact Us” or “For More Information” features on our websites or the information you submit to us in connection with creating an account, completing an application, placing an order, or making a purchase from Masimo.
- **Device Information.** This information could include the type of device you use to access Masimo Services, device identification number, IP address, ISP provider, GPS data, data about the closest cell towers, Wi-Fi hotspots, or mobile operating system.
- **Internet or Other Network Activity Information.** Examples of this include information related to your usage of Masimo Services, like transaction information, pages viewed, links clicked, other activities, interactions, and preferences relating to your use of Masimo Services. We may also receive login and password recovery field data from you.
- **Support Data.** Support data like requests for support, feedback, and reviews.

HOW WE COLLECT YOUR INFORMATION

Masimo collects personal information in different ways.

Directly From You. For example, when you:

- Make a purchase or interact with our websites or applications;
- Sign up for training on Masimo U (our online training portal);
- Visit our websites, through cookies that send information back to Masimo Services. Cookies are small files sent to your computer or device that collect personal information related to you or your device. You may block these, but doing so may prevent you from fully accessing or using all

the features of our websites, applications, products, or services because of their dependence on cookies;

- Submit information through forms, comment boxes, and “For More Information” or similar pages on Masimo’s websites;
- Use applications, especially if the application requires your personal information to access its features. You may choose not to provide your personal information through the application, but you may be prevented from fully accessing or using all the features of the application;
- Sign up to receive emails that promote our products, services, events, and other Masimo-related subjects;
- Submit a request to our customer care team;
- Enter or allow any application, e.g., that is installed on your smart device, to access certain of your personal information, including from other permitted applications installed on your smart device; or
- Interact with Masimo’s social media pages.

Passively. For example, when you:

- Install and use any of Masimo’s applications on your device;
- Visit and navigate Masimo’s websites using any device;
- Click on Masimo sponsored links or third-party advertisements;
- Using any Masimo Services; and
- Visiting our facilities that use cameras for security and operational purposes.

From Third Parties. We may receive information about you from third parties. For example, we may receive information from:

- Our business partners, including online advertising networks and companies that co-sponsor or host our events or process e-commerce transactions for us, like Shopify;
- Social media platforms, like Facebook, Twitter, YouTube, Pinterest, and Instagram; and
- Companies that provide information to let us process your request/registration for an event or to help us fulfill an order for our products or services.

HOW WE USE YOUR INFORMATION

Subject to applicable law relating to consent, we may process your information in a variety of ways such as:

- **To Operate Our Business.** We may use your information to process transactions for the sale of our products and services to you and to provide you support for them and to carry out our obligations and enforce any of our contractual rights under any agreement with you;
- **To Validate Your Identity.** For example, we may use your information to validate your identity for transactions to prevent fraud;

- **To Respond to or Fulfill Your Requests.** This may include responding to your request for service of our products or for information about our products;
- **To Send Important Information to You.** We may send important information about our products and services (such as software updates or recalls) that pertain to you based upon your past purchases or usage of our products or services, changes to our terms, conditions, and policies;
- **For Security Purposes.** This could include using an image of you to protect our company and our customers when, for example, you come onto our premises or for protecting Masimo's websites or data;
- **For Marketing Purposes.** We may use your information to communicate to you about new or updated products and services, updates to our websites, or announcements about upcoming events. **You may opt-out of this purpose anytime as described later in this Privacy Notice;**
- **To Improve Our Website, Products, or Services.** We may use your personal information to analyze performance, fix errors, and improve our website, products, or services;
- **To Permit Social Sharing.** We may use your information to permit you to interact with our social media pages; or
- **As Otherwise Permitted by Law.**

HOW WE SHARE YOUR INFORMATION

Your information is important to us, and we only share it as described below. We never sell your information.

- **With Our Subsidiaries and Affiliates.** We may share your information with our subsidiaries and affiliates.
- **With Third Party Service Providers.** We may share your information with third parties who perform services on our behalf. For example, this may include vendors, service support and fulfillment vendors, and payment processors. It may also include companies that send emails on our behalf such as conference and event sponsors. Masimo enters into agreements with service providers to protect your personal information when and as appropriate. We do not sell your personal information and never agree with third parties to permit them to use your data for their benefit.
- **With Third Parties for Marketing Purposes.** This may include third parties who we hire to gauge or pique your interest in purchasing our goods or services or invest in our business.
- **With Any Successors to Our Business.** Sometimes we might sell one of our businesses to a third party. In such an event, your information will generally be transferred to the third party if it relates to the business we are selling.
- **To Comply With the Law or To Protect Ourselves.** For example, this could include responding to a court order or subpoena. This could also arise as a result of Masimo being a medical device manufacturer. It could also include sharing information if a government agency or investigatory body requests the information. We may share information when we are investigating a potential fraud. This may also include when we find it necessary to enforce the terms and conditions in

our contracts, protect our physical or intellectual property, or to protect our customers and/or general operations.

- **For Other Reasons with Your Consent or as Otherwise Described by Us.** There may be occasions where we will seek your specific consent to share your information. In these cases, we will describe the purpose of the disclosure before seeking your consent to share your information in the way described.

CHILDREN UNDER 16

Masimo Services are intended for adults. We do not knowingly collect personal information from those younger than the age of 16.

SECURITY

We work to protect the security of your personal information by using reasonable organizational, technical, and administrative measures. However, nothing is 100% secure. We cannot guarantee that your use of Masimo Services will be completely safe. We encourage you to use caution at all times. If you have reason to believe that your personal information has been compromised, please contact us.

TRANSFERRING DATA ACROSS BORDERS AND STORAGE OF INFORMATION

If you reside outside the United States, your personal information may be shared or processed wherever we have locations or service providers around the world, including the United States, which may have different data protection requirements than in your country of residence. Further, we may store this information in the United States, which may not provide the same level of protections as those in your own country.

ACCESS TO DATA

Under certain laws, you may seek to review, change, and/or delete the personal information we have about you. To the extent required, we will provide, allow you to change, or delete your personal information as long as you sufficiently verify your identity. You may contact us as described below.

LINKS TO OTHER WEBSITES

This Privacy Notice only applies to Masimo Services. For example, our websites may contain links to websites that are managed and hosted by unaffiliated third parties. Masimo is not responsible for the privacy practices of these third parties. You should ensure that you understand the privacy practices of these third parties before visiting these sites. You use these third-party sites at your own risk.

PERSONAL INFORMATION RETENTION

We retain your personal information for the time period necessary to accomplish the purpose for which we collected it or longer if the law permits or requires us to do so. This varies by country and geographic region.

SENSITIVE INFORMATION

We don't want to have any more personal information than we need. Thus, we ask that you do not provide us with any sensitive personal information that is not necessary for us to provide you with the Masimo Services you use. For example, we don't need and won't request certain information about you, such as your race or ethnicity, your health or medical conditions, political affiliations, or criminal history.

PRIVACY SHIELD

Masimo has certified adherence to the EU-U.S. Privacy Shield and to Swiss-U.S. Privacy Shield frameworks as set forth by the U.S. Department of Commerce with respect to personal information that is transferred from the European Economic Area, the United Kingdom, and Switzerland to the United States within the scope of Masimo's Privacy Shield certifications. Please click [here](#) to view the notice applicable to data governed by the EU-U.S. Privacy Shield and the Swiss-U.S. Privacy Shield. For more information about Masimo's Privacy Shield and EEA practices, please see **EEA Supplemental Data Protection Law Disclosures** section.

COOKIES/ TRACKERS

We use cookies and potentially other technologies, like pixel tags and web beacons, on Masimo Services. We use these to understand how you use Masimo's websites, the webpages you visited, and to make it easier for you to navigate the websites. We also use these to remember information about you and your preferences when you re-visit Masimo's websites in order to improve and simplify your experience. Our goal is to make your experience more personal to you. We can also use the information to optimize the experience based on your hardware, software versions, and browser type. Sometimes we will use a session ID cookie, for example, to allow you to view your shopping cart. These normally expire when you close your browser.

Most web browsers include a Do-Not-Track ("DNT") feature or setting you can activate to signal your privacy preference not to have data about your online browsing activities monitored and collected. No uniform technology standard for recognizing and implementing DNT signals has been finalized. As such, we do not currently respond to DNT browser signals or any other mechanism that automatically communicates your choice not to be tracked online.

For information on Masimo's cookie practices, you may view Masimo's cookie notice [here](#).

OPT-OUT OF EMAILS OR OTHER COMMUNICATIONS

If any time after sharing your personal information, you wish to opt-out of any emails or other communications from us, please contact us using the contact information below.

Masimo Corporation
52 Discovery
Irvine, CA 92618
Email: Privacy@masimo.com

PRIVACY NOTICE FOR CALIFORNIA CONSUMERS

This Privacy Notice for California Consumers ("Notice") applies only to "Consumers" as defined by the California Consumer Privacy Act of 2018 ("CCPA") and supplements Masimo's other privacy notices and policies. If there is a conflict between this Notice and any other Masimo privacy notice or policy, this Notice will prevail as to California Consumers. This Notice is being provided to comply with the CCPA and any terms used in this Notice will be as defined in the CCPA.

Personal Information We Collect and How We Use and Share It

Through our websites and other means, for example, at tradeshow, we collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could

reasonably be linked, directly or indirectly, with a particular consumer, household, or device ("personal information"). Personal information does not include:

- Publicly available information from government records.
- De-identified or aggregated consumer information.
- Information excluded from the CCPA's scope, like health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data.

In particular, we have collected the below categories of information from Consumers in the last 12 months and, for each category of personal information collected, the categories of sources from which that information was collected, the business or commercial purposes for which the information was collected, and the categories of third parties with whom we shared the personal information.

Category of Personal Information	Purpose of Collection	Sources of Personal Information	With Whom Shared
Identifiers such as name, postal address, Internet Protocol address, email address	<p>Provide our products and services</p> <p>Customize your web experience, to understand website usage, and improve our websites</p> <p>Facilitate registration for a Masimo sponsored event</p>	<p>Directly from Consumers, for example, when filling out forms or applications</p> <p>Indirectly from observing activity on our websites and from third parties, like social media companies, when, for example, you click on a link to our websites, and service providers, when, for example, you order our products using a third party application, like Shopify</p>	<p>Service providers who assist us in providing products and services and other benefits to you, our customers, and other third parties</p> <p>Governmental agencies as required by law</p>
<p>Personal information categories described in the California Records statute § 1798.80(e) such as name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account, credit card, and debit card numbers, or any other financial, medical, or health insurance information</p> <p>Some categories may overlap with other categories</p>	<p>Provide you with information about Masimo and our products and services</p> <p>Establish and maintain customer relationships</p> <p>Provide and support our products and services</p> <p>Recruit and evaluate you for employment or other similar opportunities at Masimo</p>	<p>Directly from Consumers, for example, when filling out forms or applications</p> <p>Indirectly from observing activity on our websites and from third parties, like social media companies, when, for example, you click on a link to our websites, and service providers, when, for example, you apply for employment</p> <p>Public sources and government supplied information</p>	<p>Service providers who assist us in providing products and services and other benefits to you, our customers, and other third parties</p> <p>Governmental agencies as required by law</p>

Category of Personal Information	Purpose of Collection	Sources of Personal Information	With Whom Shared
Protected classifications under California or federal law such as age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information)	Enable you to provide your health related personal information, e.g., collected on your smart device to your health care professional or others you choose to receive it	Directly from Consumers Indirectly from permitted health care professionals	Individuals selected by Consumer Service Providers that provide cloud storage of your encrypted information and permit you and your permitted recipients to communicate about your personal information
Commercial information such as products or services purchased, obtained, or considered	Provide you with information about Masimo and our products and services Establish and maintain customer relationships Provide and support our products and services	Directly from Consumers, for example, when completing a purchase Indirectly from observing your activity on our websites or your interactions with our distributors or employees	Service providers who assist us in providing and supporting our products and services Service providers that analyze, for example, your interactions with our websites
Biometric information, such as genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data	Not collected		
Internet or other similar network activity such as browsing history, search history, and information regarding a consumer's interaction with a website, application, or advertisement	Provide you with information about Masimo and our products and services Provide our products and services Customize your web experience, to understand website usage, and improve our websites	Directly from Consumers, for example, when filling out forms or applications Indirectly from observing activity on our websites and from third parties, like social media companies, when, for example, you click on a link to our websites, and service providers, when, for example, you order our products using a third party application, like Shopify	Service providers who assist us in providing products and services and other benefits to you, our customers, and other third parties Governmental agencies as required by law Service providers that analyze, for example, your interactions with our websites

Category of Personal Information	Purpose of Collection	Sources of Personal Information	With Whom Shared
Geolocation data such as physical location or movements	Customize your web experience	Indirectly using cookies and other similar technologies	Service providers that analyze, for example, your interactions with our websites
Sensory data such as audio, electronic, visual, thermal, olfactory, or similar information	Securing our facilities Product development	Directly from Consumers, when, for example, entering our facilities or participating in source video for product development	Service providers that assist in providing security for our facilities Service providers that assist with user research
Professional or employment-related information such as current or past job history or performance evaluations	Recruit and evaluate you for employment, consultancies, or other similar opportunities at Masimo	Directly from Consumers, for example, when filling out forms or applications Indirectly from public sources or from third parties, such as background check providers	Service providers assisting us with recruiting or evaluating candidates from employment, consultancies, and similar positions
Non-public education information (under the Family Educational Rights and Privacy Act at 20 U.S.C. § 1232g, 34 C.F.R. Part 99)	Recruit and evaluate you for employment, consultancies, or other similar opportunities at Masimo	Directly from Consumers, for example, when filling out forms or applications Indirectly from third parties, such as background check providers	Service providers assisting us with recruiting or evaluating candidates from employment, consultancies, and similar positions
Inferences drawn from other personal information such as the consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes	Not collected		

Sale of Personal Information

Masimo **has not, and will not, sell** your personal information.

Your Rights and Choices

The CCPA provides Consumers with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Right to Access Information and Data Portability

You may request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive your request, verify your identity and confirm your request (see how to do that below), we will disclose to you:

- The categories of personal information we collected about you;
- The categories of sources for the personal information we collected about you;
- Our business or commercial purpose for collecting that personal information;
- The categories of third parties with which we shared that personal information; and

- The specific pieces of personal information we collected about you.

Rights to Deletion

You have the right to request that we delete your personal information that we collected from you, subject to certain exceptions. Once we receive your request and verify your identity and confirm your request (see how to do that below), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies under the CCPA.

We may not comply with your deletion request if keeping the information is necessary for us or any of our service providers to:

- Complete the transaction for which we collected the personal information, provide a product or service that you requested, take actions reasonably anticipated within the context of our existing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you;
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for these activities;
- Service our products, including to debug or to identify problems and repair them;
- Comply with our legal obligations under other federal, state, or local laws or exercise any of our legal rights;
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when deletion of the information could prevent or seriously harm the research, if you previously provided informed consent; and
- Make other internal and lawful uses of that information that are compatible with the purpose for or the context in which you provided it.

Exercising Your Rights

To exercise your rights under the CCPA, you may submit a request to us by either:

Calling us at **844-820-6576**;

Emailing us at privacy@masimo.com;

Clicking [here](#); or

Mailing us at:

Masimo Corporation
Attn: Director of Privacy
52 Discovery
Irvine, CA 92618 USA

Only you, or someone legally authorized to act on your behalf, may make a request related to your personal information. You may also make a request on behalf of your minor child. You may designate an authorized agent, by mailing us a signed, written declaration, notarized by a California authorized public notary that you authorize the authorized agent to act on your behalf to the address above.

You may only make a request for access or data portability twice within a 12-month period.

In your request or in response to us seeking additional information, you, or your authorized agent, must:

- Provide sufficient information to allow us to reasonably verify that you are, in fact, the person whose personal information was collected which will depend on your prior interactions with us and the sensitivity of the personal information being requested; and
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

If you do not provide enough information for us to reasonably verify your identity, we will not be able to fulfil your request. We will only use the personal information you provide to us in a request for the purposes of verifying your identity and to fulfill your request.

Any disclosures we provide will only cover the 12-month period preceding receipt of your request.

Timing and Format

We will try to respond to your verified request within 45 days of receiving it. If we require more time, we will let you know why and how much time we need in writing. If we cannot comply with your request for any reason, we will explain why.

For data portability requests that we can comply with, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance. This will depend on the specific information we have.

We do not charge a fee to process or respond to your request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Right to Non-Discrimination for the Exercise of a Consumer's Privacy Rights

We will not discriminate against you if you elect to exercise any of your rights under the CCPA.

Authorized Agent

You can designate an authorized agent to make a request under the CCPA on your behalf if:

- The authorized agent is a natural person or a business entity registered with the Secretary of State of California; and
- You sign a written declaration that you authorize the authorized agent to act on your behalf.

If you use an authorized agent to submit a request to exercise your right to know or your right to request deletion, please have the authorized agent take the following steps in addition to the steps described above:

- Mail your written declaration authorizing the authorized agent to act on your behalf, certified by a California notary public, to Masimo Corporation, 52 Discovery, Irvine, CA 92618; and
- Provide any information we request in our response to your email to verify your identity. The information that we ask you to provide to verify your identity will depend on your prior interactions with us and the sensitivity of the personal information at issue.

If you provide an authorized agent with power of attorney pursuant to California Probate Code sections 4000 to 4465, it may not be necessary to perform these steps, and we will respond to any request from such authorized agent in accordance with the CCPA.

EEA SUPPLEMENTAL DATA PROTECTION LAW DISCLOSURES

Masimo provides to residents of the European Economic Area (EEA) the following disclosures to supplement the Privacy Notice.

Data Controller:

The data controller is Masimo with the contact information specified above.

Legal Bases for Processing:

Masimo processes your personal data based on the following legal bases: (i) the contract on the use of the site concluded with you (Art. 6 (1) lit. b GDPR) for personal data actively provided by you through our site, (ii) our legitimate interests (Art. 6 (1) lit. f GDPR) for personal data passively collected through our site which are the following: to monitor and maintain the performance of the site and to analyze trends, usage and activities in connection with our site, (iii) our legitimate interests (Art. 6 (1) lit. f GDPR) for the transfer of your personal data within the group of companies which are the following: for internal administrative and support purposes (access is limited to colleagues with a need to know), (iv) compliance with a legal obligation to which Masimo is subject (Art. 6 (1) lit. c GDPR) for the transmission of personal data to law enforcement agencies, governmental authorities, legal counsel and external consultants or other legitimate interests, such as exercise or defense of legal claims, (v) our legitimate interests (Art. 6 (1) lit. b GDPR) for the transfer of your personal data in connection with a transfer of all or part of our organization or assets which are the following: the orderly transition of all or part of our business, (vi) our legitimate interests to protect and defend the rights or property of us or third parties, including enforcing agreements, policies and terms of use, and in an emergency including to protect the safety of our employees or any person which are the following: to protect the property, rights, and safety of any person and to prevent fraud, and (vii) your consent (Art. 6 (1) lit. a GDPR) for marketing communications.

Recipients in Third Countries:

The personal data that we collect or receive about you may be transferred to and processed by recipients that are located inside or outside the EEA and are not recognized from an EU law perspective as providing for an adequate level of data protection. The countries that are recognized to provide for an adequate level of data protection from an EU law perspective (Art. 45 GDPR) are Andorra, Argentina, Canada, Switzerland, Faeroe Islands, Guernsey, the State of Israel, Isle of Man, Jersey, New Zealand, the Eastern Republic of Uruguay, and Japan. To the extent your personal data is transferred to countries that do not provide for an adequate level of data protection from an EU law perspective, we will base the respective transfer on Masimo Corporation's, Masimo Americas, Inc.'s, and Masimo Semiconductor, Inc.'s certifications under the EU-U.S. and Swiss-U.S. Privacy Shield Framework (Art. 45 GDPR) or on appropriate safeguards (Art. 46 GDPR), such as standard data protection clauses adopted by the European Commission. Our Privacy Shield Notice is available [here](#). You can ask for a copy of such appropriate safeguards by contacting us as set out above. The access is limited to recipients with a need to know.

Period of Data Storage:

Your personal data will be retained as long as necessary to provide you with the services requested. When Masimo no longer needs to use your personal data to comply with contractual or statutory obligations, we will remove it from our systems and records and/or take steps to properly anonymize it so that you can no longer be identified from it. If we need to keep your information, including personal data, for tax, audit, or legal compliance for a legally prescribed time period thereafter, or if we need it to preserve evidence within statutes of limitation, we will retain the data for such purposes.

Data Subject Rights:

You have a right to request from Masimo access to and rectification or erasure of your personal data, restriction of processing, withdrawal of consent, data portability, and to lodge a complaint with a supervisory authority. If you have declared your consent for any personal data processing activities, you can withdraw this consent at any time with future effect. Such a withdrawal will not affect the lawfulness of the processing prior to the consent withdrawal. You can exercise your rights by contacting us as set out above.