

# Privacy Notice

This website and the helpline are operated by Nyxoah SA, as the Data Controller<sup>1</sup>, with its head office located at Rue Edouard Belin 12, 1435 Mont-Saint-Guibert, Belgium (company number BE 0817.149.675). You can contact us via email: [privacy@nyxoah.com](mailto:privacy@nyxoah.com) for any question regarding your privacy.

The protection of your Personal Data<sup>2</sup> is of importance for Nyxoah SA and its affiliates (together hereinafter “Nyxoah”) and we treat your privacy with utmost care.

We have established this Privacy Notice to explain to you how Nyxoah treats your Personal Data. The Privacy Notice applies to the Personal Data that you provide and that we Process<sup>3</sup> about you as a natural person when you visit our website and register for our newsletter or when you interact through the helpline.

## Which Personal Data do we collect when you visit our website?

We Process the Personal Data that you provide to us when you interact with us via this website by completing and sending us a contact or request form or when registering for our newsletter. These Personal Data include:

- Identity data you provide (surname, first name, email address, occupation, etc.).
- Any other Personal Data that you may include in a contact or request form, which may include health data as requested in order to assess your eligibility for our products.
- If you are submitting a job application, additional information that you may provide about your academic and work history, qualifications, skills, references, your national security number, your passport or other identity document details, and any other such similar information that you may provide to us.

Like almost every website, our website also uses cookies<sup>4</sup>. Some of these are necessary to make your website visit possible, other allow us to optimize your browsing experience or the way we interact with you. Find out more about our cookies in our [cookie policy](#).

## Which Personal Data do we collect when you contact the helpline of Nyxoah SA?

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<sup>1</sup> “Data Controller” means Nyxoah, to the extent that we determine the purposes and means of the processing of your Personal Data.

<sup>2</sup> “Personal Data” is information through which a natural person is identifiable or may be identified. Nyxoah collects, uses and processes your Personal Data in order to provide you with services, products or information that you request.

<sup>3</sup> “Processing” means everything we do with your Personal Data as further explained in this Privacy Notice. It may include actions such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

<sup>4</sup> “Cookies” are small text files that webstes place on your device as you are browsing. They are processed and stored by your web browser. In and of themselves, cookies are harmless and serve crucial functions for websites.

We Process the Personal Data that you provide to us when you interact with our service provider through the helpline by responding to the questions asked during the call. These Personal Data include:

- Identity data you provide (first name, last name, day of birth, contact place of residence, phone number and e-mail address).
- Economic information data (public or private health insurance).
- Health data as requested in order to assess your eligibility for our products.

## Why do we collect your Personal Data?

Depending on your relationship with us (e.g. website visitor, helpline contact, business contact, job applicant, etc.), we might process your Personal Data based on the purposes and legal bases described hereunder:

<b>Who are you</b>	<b>Purposes of Processing</b>	<b>Legal basis</b>
Website visitor	Process your requests submitted through our contact form	Your consent expressed by submitting the contact form.
	Subscribe you to our newsletter	Your consent to receive the newsletter expressed by submitting the subscription form.
Job applicant answering a specific job application	Process your request when you apply for one of our open positions	Your consent expressed by submitting the application form.
Spontaneous job applicant	Add you to our recruitment database in order to be able to contact you if we see a job opportunity for which we believe you might fit the profile	Our legitimate interest to contact you again should we have an opportunity that we believe would match your profile in the event we were not able to hire you for the position you applied for. You always have the possibility to let us know that you do not wish to be contacted by us again by sending an email to <a href="mailto:privacy@nyxoah.com">privacy@nyxoah.com</a> .
Business contact	Process your business development requests	Your consent expressed by submitting your request.
Investor	Process your requests	Your consent expressed by submitting your request.
Potential patient	Review your responses to health related questions in order to assess and evaluate your eligibility for our product solutions and communicate this information with healthcare professionals to the extent permitted by law.  Your responses may subsequently be processed in	Your explicit informed consent upon completing the questionnaire and submitting your replies to us or pushing the selected button on your phone after having heard the pre-announcement text which explains you the option linked to each button.

	<p>anonymized format for statistical purposes.</p> <p>Keeping you informed when you have accepted or requested to obtain feedback on your questions.</p>	
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## With whom do we share your Personal Data?

### 1. Nyxoah group companies

Because Nyxoah is a global company with locations in different countries, we may transfer your Personal Data from one legal entity to another or from one country to another within the Nyxoah group in order to accomplish the purposes listed above. These countries include, at a minimum, the member states of the European Union, the United States, Israel, Australia and New Zealand. We will transfer your Personal Data consistent with applicable legal requirements and only to the extent necessary for the purposes set out above.

### 2. Third parties

In addition, Nyxoah will provide access to or share Personal Data on an as-needed basis with third parties, such as trusted service providers, consultants and contractors who are granted access to Nyxoah's facilities and systems or which provide services to Nyxoah, and with government agencies and others as required by law or if it is necessary to fulfill your request.

Nyxoah will only share your Personal Data with third parties whom Nyxoah has contractually restricted from using or disclosing the Personal Data except as necessary to perform services on our behalf or to comply with legal requirements.

## What if your Personal Data is transferred outside the European Economic Area (EEA)?

Nyxoah relies on available legal mechanisms to enable the legal transfer of Personal Data across borders. To the extent that Nyxoah relies on the Standard Contractual Clauses<sup>5</sup> (also called the Model Clauses), intragroup data transfer agreements or Binding Corporate Rules<sup>6</sup> to authorize the transfer of Personal Data, Nyxoah will

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<sup>5</sup> The European Commission can decide that standard contractual clauses offer sufficient safeguards on data protection for the data to be transferred internationally. It has published sets of such standard clauses covering different transfer scenarios.

<sup>6</sup> Intragroup data transfer agreements and binding corporate rules are measures an international group of companies can enact in order to safeguard transfer of data between group companies.

comply with those requirements, including where there may be a conflict between those requirements and this Privacy Notice.

## How do we secure your Personal Data?

We use reasonable and appropriate technological and operational security measures to keep your Personal Data protected against any unauthorized access or unlawful use. Such measures include:

- Ensuring the physical and digital security of our equipment and devices by using appropriate password protection and encryption where necessary;
- Ensuring the physical security of our offices and other sites;
- Maintaining a data protection policy for, and delivering data protection training to, our employees; and
- Limiting access to your Personal Data to those at Nyxoah who need to use it in the course of their work.

However, due to the nature of internet communications, we cannot guarantee or warrant that the transmission of your Personal Data to us is secure.

## For how long do we keep your Personal Data?

The Personal Data you provide to Nyxoah is only kept for as long as it is reasonably necessary for the purposes for which it is collected, taking into account our need to comply with contractual obligations, resolve customer service issues, comply with legal requirements and provide new or improved products and services to users. This means that we may retain your Personal Data for a reasonable period after you stopped using the Nyxoah.com website or have chatted with our helpline. After this period, your Personal Data will be deleted from all systems of Nyxoah without notice.

## What rights can you exercise?

Based on the applicable Belgian and European privacy legislation, and provided that you meet the requirements set by this legislation, you can contact us to exercise the following rights:

- Withdrawing your consent for the Processing of your Personal Data, to the extent that the Processing of your Personal Data was initially based upon your consent.
- Seeking access to, correcting, deleting or restricting your Personal Data.
- Objecting to any Processing for direct marketing.
- Objecting to any Processing based on our legitimate interest.
- Seeking the portability<sup>7</sup> of your Personal Data, which you have communicated to us and that we have Processed.

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<sup>7</sup> The right to data portability allows you to obtain data that a data controller holds on you and to reuse it for your own purposes. The data must be received “in a structured, commonly used and machine-readable format”.

- Lodging a complaint with the supervisory authority in the European member state of your habitual residence, your place of work or the alleged infringement of applicable data protection legislation.

You can send your requests to exercise your above mentioned rights, together with evidence of your identity, by email at [privacy@nyxoah.com](mailto:privacy@nyxoah.com) or by post to Nyxoah, Data Protection Officer, Rue Edouard Belin 12, 1435 Mont-Saint-Guibert, Belgium.

We will examine the admissibility of your request based on the applicable Belgian and European privacy legislation. We will then inform you, in principle within a month, if we can answer positively to your request.

### Third party applications and websites

Our website may contain links to websites, applications, products or services of third parties and may allow you to post on or through third party websites. We cannot be responsible for the practices of third party websites, applications, products or services made available or referred to by our website, or their information or content. Note that when you use a link to another website, our Privacy Notice is no longer applicable. Your browsing and your actions on any other website, including those to which we refer, are subject to the rules and policies specific to that website. In addition, you are solely responsible for any content that you decide to post on or via a third party website.

### Notice for parents, guardians and children

Our website and helpline are intended for visitors who are at least 18 years of age, or the age of majority in their jurisdiction of residence. Nyxoah does not knowingly solicit information from or market products or services to children. If you do not meet the age requirements set out above, please do not enter your Personal Data on this website nor communicate through the helpline.

### How may Nyxoah change this Privacy Notice?

As Nyxoah expands and improves its website, or as legal requirements change, we may need to update this Privacy Notice. This Privacy Notice may be modified from time to time without prior notice. We encourage you to review this Privacy Notice on a regular basis for any changes. The date of the latest version will be identified at the bottom of the Privacy Notice.

### Do you have any questions?

If you have any questions about this Privacy Notice or data protection at Nyxoah, you can contact our Data Protection Officer either by mail:

Data Protection Officer

Nyxoah SA

Rue Edouard Belin 12

Mont Saint Guibert

1435 Belgium

or by e-mail at [privacy@nyxoah.com](mailto:privacy@nyxoah.com)

You also have the right to lodge a complaint with the supervisory authority in the European member state of your habitual residence, your place of work or the alleged infringement of applicable data protection legislation:

In Belgium, the Supervisory Authority is:

Belgian Data Protection Authority

Rue de la Presse 35 / Drukpersstraat 35

1000 Bruxelles / 1000 Brussel

Tel. +32 2 274 48 00

Fax +32 2 274 48 35

[contact@apd-gba.be](mailto:contact@apd-gba.be)

[www.dataprotectionauthority.be](http://www.dataprotectionauthority.be)