

Privacy Notice

The protection of your Personal Data¹ is important for Nyxoah SA and its affiliates (collectively, “Nyxoah,” “we,” “us,” or “our”) and we treat your Personal Data with care.

Nyxoah SA, with its registered office at Rue Edouard Belin 12, 1435 Mont-Saint-Guibert, Belgium (company number BE 0817.149.675), is the Data Controller² of your Personal Data. You can contact us via e-mail at: privacy@nyxoah.com for any question regarding your privacy.

We have created this Privacy Notice to explain to you how Nyxoah collects, uses and discloses your Personal Data. The Privacy Notice applies to the Personal Data that you provide and that we Process³ about you as a natural person when you visit our websites (Nyxoah.com, GenioSleep.com), when you contact us through the website, when you apply to a job application or make a spontaneous job application, when you register to receive our press releases, when you interact with us through the helpline, or when you interact with us as a business partner or as a participant to a Nyxoah event.

Which Personal Data do we collect when you visit our websites?

We Process the Personal Data that you provide to us when you interact with us via our websites by completing and sending us a contact or request form, when registering to receive our press releases or when you apply to a job application or make a spontaneous job application. These Personal Data include:

- Identity data you provide (first name(s), last name(s), e-mail address, occupation, etc).
- Any other Personal Data that you may include in the contact form.
- 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 websites also uses cookies⁴. 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 the cookies we use in our [cookie policy](#).

¹ “Personal Data” are pieces of information through which a natural person is identifiable or may be identified. Nyxoah SA and its affiliates collect, use and Process your Personal Data in order to provide you with services, products or information that you request.

² “Data Controller” means Nyxoah SA, to the extent that we determine the purposes and means of the Processing of your Personal Data.

³ “Processing” means everything we do with your Personal Data as further explained in this Privacy Notice. It may include actions such as the 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.

⁴ “Cookies” are small text files that websites 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.

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

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

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

Which Personal Data do we collect when you interact with us as a business partner or as a participant to a Nyxoah event?

We Process the Personal Data that you provide to us when you interact with us via e-mail or phone as business partner or when you register to a Nyxoah event. These Personal Data include:

- Identity data you provide (first name(s), last name(s), e-mail address, phone number, job title, etc).
- Any other Personal Data that you provide.

Why and on which legal basis 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:

Who are you	Purposes of Processing	Legal basis
Website visitor	Process your requests submitted through our contact form	Your consent expressed by submitting the contact form.
	Process your subscription to receive our press release	Your consent to receive the press releases expressed by submitting the subscription form.
	Website analytics, functioning of the website. You can visit our cookie policy for more information	Our legitimate interest for the proper functioning of the website (for essential and functional cookies), or your consent (for analytical cookies).
Job applicant applying to a specific job application	Recruitment	Pre-contractual measures. The processing of your Personal Data is necessary to consider your application, organize interviews and follow up on the recruiting process.
Spontaneous job applicant	Add you to our recruitment database in order to be able to contact you if we see a job	Our legitimate interest to contact you again should we have an opportunity that we believe would match your

Who are you	Purposes of Processing	Legal basis
	<p>opportunity for which we believe you might fit the profile</p>	<p>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 e-mail to privacy@nyxoah.com.</p>
<p>Potential patient (via the helpline)</p>	<p>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.</p> <p>Your responses may subsequently be processed in anonymized format for statistical purposes.</p> <p>Keep you informed when you have accepted or requested to obtain feedback on your questions.</p>	<p>Your 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>
<p>Participants to Nyxoah webinars and other Nyxoah events</p>	<p>Organize, manage and follow up of webinars and other events organized by Nyxoah or third parties</p>	<p>Our legitimate interest, namely the organization of events.</p>
<p>Business partner</p>	<p>Request offers, negotiate, ensure the proper performance of our contracts, including follow-up and payment of invoices and business relationship management purposes</p>	<p>Our legitimate interest, namely conducting our business or the execution of a contract.</p>
	<p>Comply with our legal or regulatory obligations, including but not limited to post market surveillance, tax, accounting, health and safety legislation and other legal obligations and industry guidelines</p>	<p>Compliance with our legal obligations.</p>
	<p>Perform regulatory audits</p>	<p>Compliance with our legal obligations.</p>
	<p>Respond to any official request from a public or judicial authority</p>	<p>Compliance with our legal obligations.</p>
	<p>Manage our IT assets and infrastructure and monitor the use of our IT systems and network for IT security purposes, in accordance with and within the limits permitted by applicable law</p>	<p>Our legitimate interest, namely to prevent criminal activities, fraud and misuse of our products, services, assets and IT network.</p>

Who are you	Purposes of Processing	Legal basis
	Fraud prevention, risk management, IT support and dispute or complaint management (including but not limited to handling (alleged) reports of misconduct or fraud and defending against legal claims and in legal proceedings)	Our legitimate interest , namely conducting our business while preserving and defending our legal interests.
Patients, healthcare professionals	Vigilance, recalls, complaints	Compliance with our legal obligations . Our legitimate interest , namely compliance with standards of quality and safety (European and international standards)

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 Kingdom, Switzerland, the United States, Israel and Australia. We will transfer your Personal Data in accordance 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 who 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 are 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 Standard Contractual Clauses⁵ (also called the Model Clauses), intragroup data transfer agreements or Binding Corporate Rules⁶ to authorize the transfer of Personal Data, Nyxoah will comply with those requirements.

⁵ 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.

⁶ 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.

How do we secure your Personal Data?

We use reasonable and appropriate security measures designed to protect your Personal Data. Despite these safeguards and our additional efforts to secure your information, we cannot promise or guarantee that hackers, cybercriminals, or other unauthorized third parties will not be able to defeat our security and improperly collect, access, steal, or modify your Personal Data.

For how long do we keep your Personal Data?

The Personal Data you provide to Nyxoah are only kept for as long as they are reasonably necessary for the purposes for which they are 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 our websites 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 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 on your consent.
- Seeking access to, correcting or deleting your Personal Data or restricting the processing of your Personal Data.
- Objecting to any Processing for direct marketing.
- Objecting to any Processing based on our legitimate interest.
- Seeking the portability⁷ of your Personal Data that you have communicated to us and that we have Processed.
- 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 e-mail to privacy@nyxoah.com or by post to Nyxoah SA, Data Protection Officer, Rue Edouard Belin 12, 1435 Mont-Saint-Guibert, Belgium.

We will examine the admissibility of your request based on 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 websites 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

⁷ 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”.

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 minors

Our websites 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 minors. If you do not meet the age requirements set out above, please do not enter your Personal Data on the Nyxoah websites nor communicate through the helpline.

How may Nyxoah change this Privacy Notice?

As Nyxoah expands and improves its websites, 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:

Nyxoah SA
Data Protection Officer
Rue Edouard Belin 12
1435 Mont-Saint-Guibert
Belgium

or by e-mail at 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. You can find the relevant European Union supervisory authority contact details under: https://edpb.europa.eu/about-edpb/board/members_en

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