

## Washington Consumer Health Data Privacy Policy

### 1. Introduction / How this applies to you

This Washington Consumer Health Data Privacy Policy (“WA Health Policy” and “Policy”) supplements our general privacy notice and applies to Washington Consumer Health Data that Bristol Myers Squibb (“BMS”) and Johnson & Johnson (“J&J”) and their affiliates (“we”, “our”) collect about Washington state residents and other individuals whose Consumer Health Data is collected in Washington (collectively, “Washington Consumers”) who may be subject to the Washington My Health My Data law (“Washington MHMD Act”).

“Consumer Health Data” as used in this Policy means personal information that is linked or reasonably linkable to a Washington Consumer and that identifies the Washington Consumer’s past, present, or future physical or mental health status.

This Policy does not apply to information we may collect about you that is exempt from the Washington MHMD Act which includes, without limitation, the following:

- Information that is “protected health information” or “PHI” under HIPAA, which includes health information
- Personal information intermingled with PHI that is subject to HIPAA that we maintain in our capacity as a health care provider under HIPAA
- Personal information collected in connection with our recruitment and pre-screening of clinical trial participants and in the operation of clinical trials and related research efforts, including the provision of expanded access to drugs that are the subject of clinical trials
- Information we create and maintain in our role as a manufacturer under applicable laws
- Personal information used only for public health activities and purposes
- Personal information subject to the Fair Credit Reporting Act
- Information that has been deidentified in accordance with HIPAA deidentification requirements
- Publicly available information
- Information collected about Washington Consumers when acting in their capacity as employees, independent contractors, or job applicants When we refer to “Consumer Health Data” in this Policy, it does not include any of the categories of personal information listed above.

## **2. What Consumer Health Data Do We Collect About You**

We may collect the following categories of Washington Consumer Health Data:

- Information about individual health-related conditions, treatment, diseases, or diagnoses
- Social interventions, such as interest in support groups, medical interventions, such as treatments and medication obtained or prescribed, psychological interventions, and behavioral interventions
- Health-related surgeries or procedures
- Use or purchase of prescribed medication
- Bodily functions, vital signs, symptoms, or measurements of other types of consumer health data
- Diagnoses or diagnostic testing, treatment, or medication
- Data that identifies individuals seeking health care services
- Gender-affirming care information
- Reproductive or sexual health information
- Biometric data
- Genetic data
- Precise location information that could reasonably indicate a consumer's attempt to acquire or receive health services or supplies
- Data that identifies a consumer seeking health care services
- Any inferences of the above categories of health information derived or extrapolated from non-health information
- Other information that may be used to identify your health condition

## **3. For what purposes is consumer health information collected**

We—and our service providers—may collect, process and use the CHD described in this CHD Privacy Notice for the following purposes:

- To provide our products or services as may be reasonably expected by an average consumer who requests those products or services
- To provide information about and provide our products, services and programs, including patient support programs
- Maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments,

providing analytic services, providing storage, or providing similar services on our behalf

- To manage our relationship with you, including customer service or to respond to your inquiries about our products and services
- To undertake activities to verify or maintain the quality or safety of a product, service, or device that is owned, manufactured by, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us
- For advertising and marketing purposes, including measurement of the effectiveness of our advertisements and marketing programs
- To provide accommodations, including with respect to food allergies, at our events
- To monitor and improve our websites and for internal business analysis
- To comply with the law and our legal obligations, to respond to legal process and related legal proceedings
- To prevent fraud and provide security, including preventing activities that violate our Terms of Service or that are illegal, and to protect our rights and the rights and safety of our users and other

#### **4. What are the sources of Consumer Health Data**

We collect your Consumer Health Data from the following sources:

- Consumer Health Data that we collect from you directly, including:
  - attendance at BMS or J&J programs and events
  - data from connected devices or profiles, with permission
  - data submitted through interactive features such as surveys or chat services
  - data submitted when you interact with our advertising on third-party websites
- Consumer Health Data from third party sources, including:
  - Affiliates, business partners, and joint marketing partners
  - public databases
  - providers of demographic data
  - industry groups and patient associations
  - healthcare providers, insurance companies, third parties for benefit verification and program enrollment and product fulfillment services in connection with our products and services
  - authorized/legal representatives, family members, and caregivers
  - advertising partners and data brokers for digital marketing services and analytics

- third parties and processors for providing security services and fraud prevention
  - service providers with which we have a contractual relationship and to which you have provided your personal data
- Consumer Health Data collected from devices, including:
  - data collected through websites, apps, and services
  - data from mobile and internet-connected devices, with permission
  - data automatically collected when contacting or visiting BMS, such as call recordings or CCTV footage
  - data from cookies, web beacons, and similar technologies on websites or third-party websites
- Drawn from other information we collect to provide inferences about preferences, characteristics, attributes, and abilities drawn from collected data

## **5. Consumer Health Data We May Share with Third Parties or Affiliates**

We may share Consumer Health Data:

- as required or permitted by law to comply with a subpoena or similar legal process or government request, or when we believe in good faith that disclosure is legally required or otherwise necessary to protect our rights and property or the rights, property or safety of others, including to law enforcement agencies, and judicial and regulatory authorities, to private attorneys who issue subpoenas or otherwise serve us with legal process and, to the extent required, the individuals or entities they represent
- with authorized representatives, including family members, caregivers, and legal representatives
- to other entities as reasonably necessary to facilitate a reorganization, merger, sale, joint venture or collaboration, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings)
- to our service providers in order to enable them to provide us with products and services, such as web hosting, mobile application hosting, data analysis, payment processing, customer service, infrastructure provisioning, IT services, email and direct mail delivery services, advertising partners, auditing, legal services, and other similar services that are essential to our provision of our websites, products, and services, and other service providers at your direction

- with our affiliates for the purposes described in this Policy. BMS affiliates are listed in their 10-K and [here](#).

## **6. Our sale of Consumer Health Data**

Unless specifically stated, we do not sell or share CHD to Third Parties for their own use. However, we may share or process CHD as defined in this notice with our affiliates and trusted partners in arrangements for purposes of targeted advertising, as the terms “sell,” “share,” “process,” and “targeted advertising” are defined in the MHMDA. In these arrangements, use of the information we share is limited by policies, contracts or similar restrictions.

## **7. WHAT ARE MY CONSUMER RIGHTS UNDER WASHINGTON MHMD ACT AND HOW DO I EXERCISE THEM?**

Washington consumers as defined above have certain rights under the MHMDA with respect to the collection and use of their CHD. These rights include:

- Right to Know: The right to confirm whether we collect, share or sell your CHD;
- Right to Access: The right to a copy of the CHD
- Right to know Third Parties: The right to obtain a list of the third parties and/or affiliates to whom the information may have been sold or shared;
- Right to withdraw consent: The right to withdraw consent from our collection and sharing of CHD, and the right to withdraw consent from our sale of CHD
- Right to Delete: The right to request that we delete your CHD.

To exercise these rights, please contact BMS at [dpo@bms.com](mailto:dpo@bms.com) or via this [form](#). Additional information may be required to authenticate that you made the request(s). If we are unable to authenticate the request(s) using commercially reasonable efforts and asking for additional information, we will not be able to comply with the request.

We will respond to such requests within 45 days from when we receive your request. In some circumstances, we may need additional time to process your request. If we expect your request is going to take us longer than normal to fulfill, we will let you know.

If your request is denied, you may appeal that decision as specified in our letter or denial. We will process and respond to your appeal within the time permitted by the Washington MHMD Act.

## **8. Contact Us**

If you have questions about this Notice or want to obtain more information about our privacy practices, please contact us at [dpo@bms.com](mailto:dpo@bms.com).

- 9. We may change this Policy from time to time and will notify you by a notice on our website and in this Policy of material changes Changes to this Policy**