

TRANSMEDICS, INC.
OCS CONNECT APPLICATION PRIVACY POLICY

Last updated: August 21, 2023

PLEASE READ THIS PRIVACY POLICY CAREFULLY BEFORE DOWNLOADING OR USING THE APP. BY DOWNLOADING OR USING THE APP, YOU AGREE THAT YOU HAVE READ, UNDERSTAND AND AGREE TO THIS PRIVACY POLICY AND OUR TERMS OF USE. IF YOU DO NOT AGREE TO THIS PRIVACY POLICY, DO NOT ACCESS OR USE THE APP AND DELETE IT FROM YOUR MOBILE DEVICE.

We at TransMedics, Inc. and its affiliated companies (collectively, “TransMedics,” “we,” “us,” or “our”) have created this Privacy Policy to describe how we collect, use, share and disclose information about you that we collect through the TransMedics’s proprietary software, OCS Connect, including any website, browser, online implementations or versions and mobile applications (the “App” and together with the services provided by the App, the “Services”).

The Services are intended for use solely by (i) TransMedics’s employees and other authorized users of TransMedics (“TransMedics Users”) in connection with the communication, coordination, scheduling and provision of organ transplant services and other services provided on our on behalf of TransMedics (“TransMedics Services”); or (ii) employees and other authorized users of TransMedics’ customers (“Institution Users”) in connection with the receipt of TransMedics Services.

By accessing or using the Services, you consent to our collection, use, and sharing of your information in accordance with this Privacy Policy. This Privacy Policy is not a contract and does not create any contractual rights or obligations.

1. The Information We Collect and Use

a) Information You Provide to Us

We collect information when you share that information by using the Services, including any data or information about or identifying you, including your name, username, password, email address and other contact information and employer information (“End-User Data”).

We collect organ procurement-related data, information, or material provided or submitted to the App by or on behalf of you or a hospital, health care provider or other person or entity (“Institution”) for whom you are an Institution User in connection with your use of the Services that is not End-User Data, including but not limited to organ procurement scheduling data, text messages and other communications, address and other location information of donor and/or recipient addresses, and UNOS IDs and other patient or organ identifying information (“OPR Data”).

To the extent your Institution has signed an Institution Agreement (as defined under the Terms of Use) with specific data privacy requirements related to OPR Data, such data will be handled in accordance with those requirements.

b) Information Collected from Third Parties

We may obtain information from other sources, including Institutions and other third parties, provided such Institution or third party is authorized to share such information with us, and use it as contemplated herein, including to provide the Services to and otherwise communicate with you.

c) Information Collected Automatically

We use various data collection technologies to collect other types of data that do not directly reveal your identity. We do not deploy non-essential third-party cookies or similar tracking technologies on our App.

We collect and temporarily store certain technical information about your use of the Services and store it in log files. This information may include: information such as your device Internet Protocol address, device name, operating system version, the configuration of the App when utilizing our Service, the time and date of your use of the Services, and other statistics. This information is used to help us make our Services more useful for you. With this data we learn about the number of visitors on our Services and the types of technology our visitors use. Raw data logs are also used for security, fraud detection, and protecting our rights.

2. Additional Purposes For Which We Collect and Use Information

In addition to the uses described above, we may use information that you provide or information we collect for the following purposes:

- a) Providing the Services to you;
- b) Communicating with you;
- c) Business operations, including creating, improving and developing our products and Services;
- d) Monitoring and analyzing trends, usage and activities in connection with our Services;
- e) Conduct research and measurement activities;
- f) Auditing interactions with you;
- g) Preventing, investigating, or providing notice of fraud, malicious activity, unlawful or criminal activity, or unauthorized access to or use of our Services or data systems or to meet legal obligations;
- h) Investigating and resolving disputes and security issues and enforcing our Terms of Use and other agreements;
- i) Comply with applicable laws, including as required by judicial or administrative proceedings; and
- j) Any other lawful, legitimate business purpose.

3. How We May Share Your Information

We may share your information with third parties in the following ways:

- a) **Agents, Service Providers and Related Third Parties.** We may engage other companies and individuals to perform certain business-related functions on our behalf. Examples may include providing technical assistance and customer service. These other companies will have access to the information only as necessary to perform their functions and to the extent permitted by law.
- b) **To Institutions.** We may disclose information to Institutions to the extent necessary to perform the Services.

- c) **Business Transfers.** We may transfer your information, if we are involved, whether in whole or in part, in a merger, sale, acquisition, divestiture, restructuring, reorganization, dissolution, bankruptcy, or other change of ownership or control. If another entity acquires us or any of our assets, information we have collected about you may be transferred to such entity. In addition, if any bankruptcy or reorganization proceeding is brought by or against us, such information may be considered an asset of ours and may be sold or transferred to third parties.
- d) **Legal Requirements.** To the extent permitted by law, we may also disclose information: (i) when required by law, court order, or other government or law enforcement authority or regulatory agency; or (ii) whenever we believe that disclosing information is necessary or advisable, for example, to protect the rights, property, or safety of TransMedics or others.
- e) **At Your Request or With Your Consent.** We may disclose information to third parties at your request, direction or authorization. We may ask you from time to time to give us permission to share your information with other third parties not described in this section.

4. Third-Party Services and Websites

When you access or engage with a third-party service, application, or website, even when doing so through the App, you are entering that service, application, or website and governed by its policies. Many third parties have their own privacy policies that differ from ours. Except as otherwise provided herein, this Privacy Policy only covers our Services and does not cover any other third parties. TransMedics may also collect usage information related to those third-party products, services, applications, or websites if they are accessed through the Services.

5. Security and Data Retention

TransMedics takes commercially reasonable measures to help protect information about you from accidental or unlawful destruction, loss, alternation, or unauthorized disclosure or access. Although TransMedics attempts to protect such information in our possession, no security system is perfect, and we cannot promise that your information will remain absolutely secure in all circumstances.

The time-period for which we keep your information depends on the purposes for which we collected it. In all cases, we keep it for as long as necessary to fulfil those purposes. We will then delete this information unless required to preserve it in connection with litigation, investigations and proceedings, or if a longer retention period is required or permitted by applicable law. To request that your information be deleted, please use the contact information below. We use commercially reasonable efforts to honor such requests.

6. Do Not Track

TransMedics does not monitor, recognize or honor any opt-out or do not track mechanisms, including general web browser “Do Not Track” settings and/or signals.

7. Note to Users

Please do not use the Services if you are not:

- Either (a) a TransMedics User; (b) an Institution User; or (c) an individual otherwise authorized in writing by TransMedics to use the App.
- A resident of the United States of America. The App is not intended for use outside of the United States of America.
- At least 18 years old. The App is not intended for or directed to children under 18 years old.

8. Changes to This Privacy Policy

TransMedics may update this Privacy Policy from time to time, with or without notice to you. We encourage you to review the Privacy Policy whenever you access the Services or otherwise interact with us to stay informed about our information practices and the ways you can help protect your privacy. Continued use of our Services, following notice of changes will indicate your acknowledgement of the changes and agreement to be bound by the terms and conditions of the changes.

9. How to Contact Us

If you have questions about this Privacy Policy or other privacy-related matters, you may contact us at:

Email: info@transmedics.com

Physical Address: TransMedics, Inc.
200 Minuteman Road, Suite 302
Andover, MA 01810