

POLICY

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Applicable To: Australia and New Zealand

Title: Gilead Australia and New Zealand Privacy Policy

1. PURPOSE

This Policy describes how Gilead Sciences Pty Ltd ABN 71 072 611 708 (Gilead Australia) and Gilead Sciences (NZ) NZCN 1476178 (Gilead New Zealand) (together Gilead) manages personal information that it collects, holds, uses, and discloses. The primary purpose of this policy is to ensure compliance with all applicable privacy legislation including the Australian Privacy Principles (APP) and the New Zealand Information Privacy Principles (NZIPP).

This policy addresses:

- Australian Privacy Principles 1.3 and 1.4 which oblige Gilead Australia to have a policy about the management of *personal information* by Gilead Australia; and
- The requirements of the New Zealand Privacy Act 1993 (NZ Privacy Act) and the NZIPP in relation to the collection, use, processing, disclosure and storage of *personal information* by Gilead New Zealand.

2. SCOPE

This policy applies to the collection, use, and disclosure of *personal information* about any person by Gilead personnel.

3. STATEMENT OF POLICY

This privacy policy applies to you only to the extent that the collection or handling of your *personal information* by:

- Gilead Australia is subject to the Australian Privacy Act 1988 (Cth) (AUST Privacy Act); or
- Gilead New Zealand is subject to the NZ Privacy Act.

Gilead is committed to protecting the privacy of your *personal information*. This Privacy Policy explains how Gilead manages the *personal information* that we collect, hold, use, and disclose and how to contact us if you have any further queries about our management of your *personal information*.

Background

Where the collection or handling of your *personal information* by Gilead is subject to privacy laws, Gilead must comply with those legal requirements. The AUST Privacy Act and the NZ Privacy Act regulate the manner in which *personal information* is handled throughout its life cycle, from collection to use and disclosure, storage, accessibility, and disposal.

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.

Under the AUST Privacy Act, special provisions apply to the collection of personal information which is *sensitive information*. This includes health information and information about a person's race, ethnic origin, political opinions, membership of political, professional or trade associations, religious or philosophical beliefs, sexual preferences, criminal history, biometric information that is to be used for the purpose of automated biometric verification or biometric identification, and biometric templates. There is no separate category of “sensitive information” under the NZ Privacy Act. Under the NZ Privacy Act, these types of information are treated as “personal information”.

In this privacy policy, a reference to *personal information* includes *sensitive information*.

Collection of personal information by Gilead

If you are a healthcare practitioner, the types of *personal information* that we may collect include:

- Identifying and contact information such as your name, work title, clinical field, work address, phone number and email address;
- Work-related information such as biographies, work histories and conference attendances;
- Travel information such as passport details;
- Information about any payments or non-monetary benefits provided to you by Gilead (including if you provide services to Gilead, Gilead sponsors you to attend a conference or you are invited by Gilead to attend a medical education event);
- Information about your prescribing habits; and
- Information about the research projects and clinical trials you may be involved in.

If you are not a healthcare practitioner or a patient, but otherwise have a relationship, or interact, with Gilead (such as a patient organisation representative, an academic, a researcher, a social worker or a medical administrator), the types of *personal information* that we may collect include identifying and contact information such as your name, work address, phone number and email address and other *personal information* that may be relevant to your relationship or interaction with Gilead.

Gilead does not actively seek to collect the *personal information* of patients. We may collect the *personal information* of patients in response to queries we receive from patients and to fulfil any requests made by patients. The types of *personal information* we may collect from patients in these circumstances include:

- Identifying and contact information such as your name, address, phone number, and email address; and
- Information about your health condition including any medications you are taking and any adverse events

To the extent required by the AUST Privacy Act and the NZ Privacy Act:

- Gilead will not collect *personal information* about you unless that information is reasonably necessary for one or more of our functions or activities; and
- Gilead will collect *personal information* only by lawful and fair means.

Gilead will collect your *personal information* directly from you where it is reasonable and practicable to do so. Generally, we collect this information from you in a number of ways:

- If you are a healthcare practitioner, during visits to you (including through a third party contract sales/marketing organisation);
- During telephone calls with you;
- From written or electronic correspondence you may have with us;
- Through our websites; or
- Through forms you complete and submit to us (such as adverse event reporting forms and applications to act as a clinical trial investigator).

When Gilead collects *personal information* directly from you, we will take reasonable steps at or before the time of collection to ensure that you are aware of certain key matters, such as the purposes for which we are collecting the information, the organisations (or types of organisations) to which we would normally disclose information of that kind, how to contact us to request access or correction of your *personal information* that we hold, and what are the consequences (if any) if you decide not to provide your *personal information* to us. For example, where *personal information* is collected on a form, we will generally include a statement on the form which sets out these details.

We may also collect, and you agree to us collecting, your *personal information* from third parties such as:

- Organisations that we engage to assist us to carry out our functions and activities (such as market research organisations and contract sales/marketing organisations);
- Healthcare providers or your colleagues; and
- Online directory providers or providers of customer contact databases.

We may also collect your *personal information* from public sources.

Where Gilead collects information about you from a third party or public sources, we will still take reasonable steps to ensure that you are or have been made aware of the key matters set out above.

Purposes for which Gilead collects, holds, uses and discloses personal information

Depending on the nature of your relationship with Gilead, Gilead may collect, hold, use, and disclose your *personal information* for any of the following purposes:

- For general sales and marketing, (including through a contract sales/marketing organisation) to provide you with information about, and to discuss, Gilead products and other matters;
- To assist in the organisation of educational events and other meetings (including inviting speakers and attendees) and sponsorship for attendance at educational events and other meetings (including to organise travel to such events/meetings and accommodation);
- To send educational materials to you and/or other information;
- To administer research funding programs;
- To conduct market research including in relation to prescribing practices;
- To facilitate third parties to compile sales statistics and databases of healthcare practitioners;
- To assist in providing you with medical information relevant to Gilead products;
- To identify investigators for, establish, and conduct clinical trials (including clinical trials run

by a related body corporate of Gilead Australia), to invite you to be part of an advisory board, or to acquire general opinions on medical and/or patient-related issues;

- To evaluate and continue to develop and improve our products, services, and business processes;
- To administer patient support programs;
- To comply with Gilead's legislative obligations, regulatory obligations, and any requirements under the Medicines Australia Code of Conduct (MA Code) including in relation to reporting of payments or non-monetary benefits to healthcare practitioners, and the Medicines New Zealand Code;
- To comply with the internal policies and procedures of Gilead and its related bodies corporate including in relation to reporting of payments or non-monetary benefits provided to healthcare practitioners;
- For adverse event reporting;
- If you are a patient, to respond to your query, including to contact you for follow up purposes and maintain a record of queries raised and responses provided; and
- To manage our relationship with you including, for certain directors or employees of, or consultants to, Gilead, managing your participation in equity incentive plans.

If Gilead uses or discloses your *personal information* for a purpose (the **secondary purpose**) other than the main reason for which it was originally collected (the **primary purpose**), to the extent required by the AUST Privacy Act or the NZ Privacy Act (as applicable) we will ensure that:

- The secondary purpose is related to the primary purpose of collection (and directly related in the case of *sensitive information* for the purpose of the APPs), and you would reasonably expect that Gilead would use or disclose your information in that way; or
- you have consented to the use or disclosure of your personal information for the secondary purpose; or
- The use or disclosure is required or authorised by or under law; or
- The use or disclosure is otherwise permitted by the AUST Privacy Act or the NZ Privacy Act (as applicable).

Gilead may engage persons or organisations (for example, travel agents, professional conference organisers, clinical research organisations, contract sales/marketing organisations, and suppliers of sales statistics and healthcare practitioner databases) to assist Gilead in carrying out the above purposes. Your *personal information* may be disclosed to such persons or organisations for these purposes and, in providing a service, they may contact you directly. In some circumstances they may disclose *personal information* they collected from you to Gilead or related bodies corporate of Gilead for one or more of the purposes already mentioned. Gilead will hold, use, and disclose all *personal information* it collects from third parties about you in the manner described in this statement.

Gilead may also disclose your *personal information* to:

- Its related bodies corporate (including sharing your personal information between Gilead Australia and Gilead New Zealand). Those companies will only collect, use and disclose

your *personal information* for a purpose listed above or for a purpose related (or directly related in the case of *sensitive information*) to a purpose listed above. They may disclose your *personal information* to the types of organisations mentioned in the paragraph immediately above. You may be contacted directly by a Gilead affiliate;

- Regulatory authorities when notifying adverse events;
- Third parties for the purpose of them compiling sales statistics and databases of healthcare practitioners; and
- Parties involved in a prospective or actual transfer of Gilead Australia's or Gilead New Zealand's assets or business.

Transparency

If you are a healthcare practitioner and you receive any payment or non-monetary benefit from Gilead (including if you provide services to Gilead, Gilead sponsors you to attend a conference or you are invited by Gilead to attend a medical education event), Gilead will collect *personal information* about you including the following information:

- Name and profession;
- Business/practice address;
- A description of any services and benefits you receive from Gilead and details of any services, activities and events in respect of which you were engaged by Gilead including relevant dates;
- The amount of the financial payment or the value of any non-monetary benefit you individually receive from Gilead including air travel, accommodation costs (room rate) and registration fees paid by Gilead and/or reimbursed to you; and
- Any financial payments made or non-monetary benefits given to third parties as directed by you,

(Transparency Data).

Gilead Australia and Gilead New Zealand will disclose the Transparency Data to one another and to their related bodies corporate (including outside Australia and New Zealand).

Gilead Australia

In accordance with the MA Code, or other applicable international regulations, Gilead Australia and/or its related bodies corporate will also publically disclose some or all of the Transparency Data. Specifically, in accordance with the transparency obligations in the MA Code, Gilead Australia will publish as much of the Transparency Data as required and in a manner which individually identifies you on <http://www.gilead.com/about/worldwide-operations/australia> for three years from the date of publication of that information by Gilead Australia. Gilead Australia will also report Transparency Data to Medicines Australia which will then be published in a manner which individually identifies you on Medicine Australia's publically available Central Reporting System. Gilead Australia will give you an opportunity to review and submit corrections to the Transparency Data before that information is published.

You are responsible for obtaining any necessary approvals (e.g., from your employer or professional body) for Gilead Australia and its related bodies corporate to collect, use, and disclose the Transparency Data as described above.

By accepting payment or a non-monetary benefit from Gilead Australia, you acknowledge the collection, use, and disclosure of the Transparency Data by Gilead Australia and its related bodies corporate as described above. If you do not want the financial payment or non-monetary benefit provided to you by Gilead Australia publically disclosed, you should not engage in the relevant services/activities/events or accept any services and benefits from Gilead Australia.

Gilead New Zealand

There is currently no New Zealand legal requirement for Gilead New Zealand to report Transparency Data to a regulatory authority, industry body, or make the Transparency Data publicly available. However the collection, use, processing, storage and disclosure of Transparency Data is still governed by the NZIPP and the NZ Privacy Act.

By accepting payment or a non-monetary benefit from Gilead New Zealand, you acknowledge the collection, use, and disclosure of the Transparency Data by Gilead New Zealand and its related bodies corporate as described above. If you do not want Gilead New Zealand to collect information about any financial payment or non-monetary benefit provided to you by Gilead New Zealand, then you should not engage in the relevant services, activities, events, or accept any services and benefits from Gilead New Zealand.

Direct marketing

From time to time, Gilead may provide you with marketing material about Gilead products and services that we believe may be of interest to you including by email, SMS and telephone call.

If you do not want to receive marketing information about Gilead products and services from Gilead, you can withdraw your consent at any time by contacting the Privacy Officer, Gilead Sciences Pty Ltd (Australia), at the address below or by unsubscribing using an unsubscribe facility in an email or SMS.

If you request not to receive marketing material from Gilead, please note that Gilead may still contact you to provide you with other types of non-marketing information such as changes to PBS listings.

Data quality, storage and security

Gilead may store *personal information* that we hold in hard copy documents or as electronic data in our software IT systems. To the extent required by the AUST Privacy Act or the NZ Privacy Act (as applicable), Gilead will take reasonable steps to:

- Make sure that the *personal information* that we collect, use and disclose is accurate, complete and up to date; and
- Protect the *personal information* that we hold from misuse and loss and from unauthorised access, modification or disclosure.

We retain *personal information* that we hold for as long as it is necessary to perform the function in relation to which the information was collected. We may also retain *personal information* for longer periods to comply with legislative requirements for document retention.

Anonymity

Gilead will generally provide individuals with the option of not identifying themselves when entering transactions when it is lawful and practicable to do so. However, we may not always be able to do this.

Use of Commonwealth government identifiers

Gilead Australia will not use Commonwealth government identifiers, such as Medicare numbers, as its own identifier of individuals. Gilead Australia and Gilead New Zealand will only use or disclose such identifiers in the circumstances permitted by the AUST Privacy Act and the NZ Privacy Act, respectively.

Transfer of personal information overseas

Gilead Australia and Gilead New Zealand may share your *personal information* with each other as Gilead Australia carries out most back-office functions for Gilead New Zealand.

Some organisations to which we disclose *personal information* may also be located, or may store information on computer servers, outside Australia and New Zealand.

Gilead stores personal information on servers in the United States of America, the United Kingdom, and Ireland and shares *personal information* (including Transparency Data) between Gilead Australia and Gilead New Zealand as well as with personnel of Gilead's related bodies corporate in Europe, Asia, South America, and North America (a list of countries in which Gilead has related bodies corporate can be found at <http://www.gilead.com/about/worldwide-operations>).

Gilead may also disclose your *personal information* to overseas regulatory authorities, overseas event/conference organisers, international clinical trial sites, and, where Gilead may be organising travel on your behalf, overseas travel agents. As discussed above, Gilead's related bodies corporate may also publically disclose some or all of the Transparency Data as required under applicable international regulations. If you are a director or employee of, or consultant to, Gilead and participating in Gilead's equity incentive plans, your *personal information* may also be transferred to a stock plan service provider located in the United States of America.

If Gilead transfers your *personal information* to another party outside Australia and New Zealand, we will take such steps as are reasonable in the circumstances to ensure that the overseas recipient will not breach the privacy principles set out in the AUST Privacy Act and the NZ Privacy Act in relation to the information. We will also take such steps in relation to *personal information* shared between Gilead Australia and Gilead New Zealand.

Access and correction of your personal information

Please contact Gilead if you would like to request access to or correction of the *personal information* that we hold about you. Gilead will generally provide you with access to your *personal information* if practicable, and will take reasonable steps to amend any personal information about you which is inaccurate or out of date. In some circumstances, Gilead may not permit access to your *personal information*, or may refuse to correct your *personal information*, in which case we will provide you with reasons for this decision in accordance with law.

Further information

Please contact us if you have any queries about the *personal information* that Gilead holds about you or the way we handle that *personal information*. Our contact details for privacy queries are set out below.

Privacy Officer, Level 6, 417 St Kilda Road, Melbourne, Victoria, 3000. Telephone: (03) 9272 4400. Facsimile: (03) 9272 4435 Email: AU.Privacy@gilead.com.

Further information about the application of the AUST Privacy Act and the NZ Privacy Act to the private sector generally can be found at the following websites:

- Australia: The Office of the Australian Information Commissioner at www.oaic.gov.au.
- New Zealand: The Office of the Privacy Commissioner at <https://www.privacy.org.nz/>.

Complaints

Please contact us if you have any concerns or complaints about the manner in which your *personal information* has been collected or handled by Gilead. Our contact details for this purpose are set out below.

Privacy Officer, Level 6, 417 St Kilda Road, Melbourne, Victoria, 3000. Telephone: (03) 9272 4400. Facsimile: (03) 9272 4435 Email: AU.Privacy@gilead.com.

Gilead will respond to your concern or complaint within a reasonable period of time. It is our intention to use our best endeavours to resolve any concern or complaint to your satisfaction. However, if you are unhappy with our response, you may contact the Office of the Australian Information Commissioner if you are in Australia or the Office of the Privacy Commissioner if you are in New Zealand (see the details above).

Changes to our privacy policy

We may change this privacy policy from time to time. If you would like a copy of the current version of our privacy policy please contact the Privacy Officer and a copy will be provided to you free of charge or access our Privacy Policy at http://www.gilead.com/-/media/files/pdfs/other/privacy_policy.pdf?la=en.

HISTORY OF REVISIONS

Effective Date	Version	Author	Description of Changes
Refer to EDMS	3.0	Tara Eaton	Revised for updated use of PI and disclosures.
24-May-2017	2.0	Tara Eaton	Revised for transparency requirements and updated disclosure.
03-Feb-2016	1.0	Tara Eaton	Converted from POL-AU-MED-0001 (obsoleted). Revised policy for transparency requirements.

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Effective



GILEAD

Procedural Document Training Form

Procedural Document No. and Version No.: POL-AU-LIP-0001 (3.0)

Procedural Document Title: Gilead Australia and New Zealand Privacy Policy

Signature of this form indicates that I have read the above referenced Procedural Document, understand its purpose, and agree to use it as required.

Print Name: _____

Signature: _____

Date: _____

Effective

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Philippe Ludekens — Assoc Dir, Commercial Ops	Approved	25-Jul-2018 07:22:58
Sabrina Barbic — Business Unit Director	Approved	25-Jul-2018 03:36:16
Paul Slade — Dir, Med Affairs	Approved	25-Jul-2018 01:56:59
Tara Eaton — Dir, Legal	Approved	25-Jul-2018 02:02:15
Mark Manuele — Business Unit Director	Approved	13-Aug-2018 05:52:12
Robert Hetherington — General Manager	Approved	25-Jul-2018 22:21:03
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