

Biomet Safe Harbor Policy

POLICY STATEMENT

Biomet, Inc. and its subsidiaries (collectively, “**Biomet**” or “**us**”) are committed to protecting the privacy of those who entrust us with their Personal Data. All Biomet team members and all those who do business with us in the European Economic Area (“**EEA**”) and Switzerland trust and expect that their Personal Data will be protected. Biomet therefore has adopted this Safe Harbor Policy (“**Policy**”) governing Personal Data transferred from Biomet operations in the European Economic Area and Switzerland to its operations in the United States (“**U.S.**”). This Policy sets forth the standards which will govern Biomet’s treatment of such Personal Data.

Biomet complies with the U.S.-EU Safe Harbor Framework and the U.S.-Switzerland Safe Harbor Framework administered by the U.S. Department of Commerce and self-certifies, on an annual basis, its adherence to the Safe Harbor Privacy Principles. For more information about the Safe Harbor Privacy Principles, please visit the U.S. Department of Commerce’s website at <http://www.export.gov/safeharbor/>.

DEFINITIONS

“**Data Subject**” means the individual to whom any EEA Personal Data covered by this Policy refers.

“**EEA Personal Data**” or “**Personal Data**” means any information relating to an individual residing in the EEA or Switzerland that can be used to identify that individual either on its own or in combination with other readily available data (*e.g.*, the individual’s name, title, work location, home address, date of birth, compensation, benefits, or family members). These terms do not include any data rendered anonymous or pseudonymous such that individuals are not identifiable or are identifiable only with a disproportionately large expense of time, cost, or labor.

“**Sensitive Personal Data**” means Personal Data regarding any of the following:

- Health or medical condition;
- Racial or ethnic origin;
- Political opinions;
- Religious or philosophical beliefs;
- Trade union membership;
- Sex life; or
- Criminal convictions or indictments.

SCOPE AND RESPONSIBILITY

This Policy applies to the collection, use, and/or disclosure in the U.S. of all Personal Data transferred from countries in the EEA or Switzerland to Biomet in the U.S., except where Biomet acts solely as an agent processing EEA Personal Data under the direction of a third party. In such situations, Biomet has no direct relationship with the Data Subjects whose personal data it processes, and for such Personal Data, Biomet instead may rely on such third parties to comply with the EEA/Swiss legal requirements underlying the Safe Harbor Privacy Principles.

All employees of Biomet who have access to such EEA Personal Data in the U.S. are responsible for conducting themselves in accordance with this Policy. Adherence by Biomet to this Policy may be limited to the extent required to meet legal, governmental, or national security obligations, but EEA Personal Data will not be collected, used, or disclosed in a manner contrary to this Policy without the prior written permission of the Legal Department, Jonathan Grandon, Senior Vice President and General Counsel, 56 E. Bell Drive, Warsaw, IN 46582, United States of America, + 1 574-267-6639, Jonathan.Grandon@biomet.com.

Biomet employees responsible for engaging third parties (*e.g.*, temporary staff, independent contractors, sub-contractors, business partners, or vendors) to handle EEA Personal Data covered by this Policy on behalf of Biomet are responsible for obtaining appropriate assurance that such third parties have an obligation to conduct themselves in accordance with the applicable provisions of this Policy.

Failure of a Biomet employee to comply with this Policy may result in disciplinary action up to and including termination.

SAFE HARBOR PRIVACY PRINCIPLES

Biomet has adopted the U.S. Department of Commerce's Safe Harbor Privacy Principles, as set forth below, with respect to the EEA Personal Data described in the "SCOPE AND RESPONSIBILITY" section of this Policy.

Notice – Biomet notifies Data Subjects covered by this Policy about the types of Personal Data it collects about them, the purposes for which it uses such Personal Data, the types of third parties to which it discloses such Personal Data, the choices and means that it offers for limiting its use and disclosure of such Personal Data, and how Data Subjects can contact Biomet with any inquiries or complaints. Notice is provided in clear and conspicuous language at the time of collection or as soon as practicable thereafter; before Biomet uses or discloses Personal Data for a purpose other than that for which it was originally collected; and through this Policy.

The Personal Data covered by this Policy includes human resources data, patient data, customer data, business partners, and health care provider data. The purposes for which Biomet collects and uses such Personal Data include:

- Administration of its human resources obligations;
- Product customization or development;
- Clinical research;
- Complaint handling;
- Regulatory compliance;
- Marketing research regarding its products;
- Marketing and sale of its products;
- Finance and tax activities; and
- Other legal and business activities.

Biomet may share Personal Data with vendors, suppliers, contractors, and other third parties it engages to assist with the provision of its products and services or to provide services directly to Data Subjects.

Choice – In the event EEA Personal Data covered by this Policy is to be used for a new purpose incompatible with the purpose(s) for which the Personal Data was originally collected or subsequently authorized, or is to be transferred to the control of a third party, Data Subjects are given, when feasible and appropriate, an opportunity to choose (opt-out) whether to have their Personal Data so used or transferred. In the event that Sensitive Personal Data is used for a new purpose or transferred to the control of a third party, the Data Subject’s explicit consent (opt-in) will be obtained prior to such use or transfer of the Sensitive Personal Data.

Onward Transfer (transfers to third parties) – In the event Biomet transfers EEA Personal Data covered by this Policy to a third party, it will do so consistent with any notice provided to Data Subjects and any consent they have given. Biomet will transfer such Personal Data only to third parties that (a) are located in a jurisdiction subject to the EU Data Protection Directive or with privacy laws considered to be adequate by the European Commission; (b) subscribe to the Safe Harbor Privacy Principles; or (c) have given us contractual assurances that they will provide at least the same level of privacy protection as is required by this Policy and the Safe Harbor Privacy Principles. When Biomet has knowledge that a third party is using or sharing Personal Data in a way that is contrary to this Policy, Biomet will take reasonable steps to prevent or stop such use or sharing.

Access – Data Subjects whose Personal Data is covered by this Policy have the right to access such Personal Data, and to correct, amend, or delete such Personal Data if they can demonstrate that it is inaccurate or incomplete (except when the burden or expense of providing access, correction, amendment, or deletion would be disproportionate to the risks to the Data Subject’s privacy, or where the rights of persons other than the Data Subject would be violated).

Security – Biomet takes reasonable precautions to protect EEA Personal Data covered by this Policy from loss, misuse, and unauthorized access, disclosure, alteration, and destruction.

Data Integrity – EEA Personal Data covered by this Policy that is collected, processed, and maintained by Biomet shall be kept and used for its intended purpose(s). Biomet takes reasonable steps to ensure that the Personal Data is used for its intended purpose(s), and is accurate, complete, and current.

Enforcement – To ensure compliance with these Safe Harbor Privacy Principles, Biomet will:

- Cooperate with the Data Protection Authorities (“**DPAs**”) and other governmental agencies with authority over such matters in the respective EEA member states , where it has operations, and with the Swiss Federal Data Protection and Information Commissioner (“**Commissioner**”) for operations in Switzerland, in the investigation and resolution of complaints that cannot be resolved between Biomet and the complainant, and comply with advice given by such DPAs and the Commissioner;
- Periodically review and verify its compliance with the Safe Harbor Privacy Principles; and
- Remedy issues arising out of any failure to comply with the Safe Harbor Privacy Principles.

Biomet acknowledges that its failure to provide an annual self-certification to the U.S. Department of Commerce will remove it from the Department’s list of Safe Harbor participants, and thereafter transfers of Personal Data will not be allowed unless Biomet otherwise complies with the EU Data Protection Directive or other relevant applicable laws.

COMPLAINTS AND DISPUTE RESOLUTION

Any inquiries or complaints regarding this Policy or the collection, use, disclosure, transfer, access, or opting out of uses of Personal Data should be directed to:

For Biomet Employees:

Peggy Taylor
Senior Vice President – Human Resources, Biomet, Inc.
56 E. Bell Drive
Warsaw, IN 46582
United States of America
Email: Peggy.Taylor@biomet.com
Phone: +1 (574) 372-1601
Fax: +1 (574) 372-1783

For All Other Data Subjects:

Antje Petersen-Schmalnauer

Global Privacy and Data Protection Officer, Biomet, Inc.
Toermalijnring 600
3316 LC Dordrecht
The Netherlands
Email: Antje.Petersen-Schmalnauer@biomet.com
Phone: +31 78 629 2911
Fax: +31 78 629 2941

In the event an inquiry or complaint cannot be resolved between Biomet and the complainant, the complainant may contact the appropriate DPA or the Commissioner. The contact information for the EU DPAs is available at http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm. The contact information for the Commissioner is available at <http://www.edoeb.admin.ch/kontakt/index.html?lang=en>.

Biomet will investigate and attempt to resolve complaints in accordance with the Safe Harbor Privacy Principles, and agrees to cooperate with the EU DPAs and the Commissioner for the purpose of handling any unresolved complaints.

CHANGES TO THIS POLICY

This Policy may be amended from time to time consistent with the requirements of the Safe Harbor Privacy Principles. Appropriate notice will be given concerning such amendments.

Last Updated: November 11, 2014