

## **Subcontract**

Version dated may 14th 2018

This subcontract binds the Professional using the Application iRejuvenation, responsible for the collection and the processing of data of his patients and the SAS - AMedSU Applications for Medical and Surgical Use - stock company simplified french law registered in the commercial register and the companies in Nice (France) under the number 800 563 090, whose head office is located 61 Avenue Simone VEIL, NICE PREMIUM building, 3rd floor, Office N 2-44, 06200, Nice (France) .

### **Article 1: Responsibility of the controller**

The controller defines the purpose, duration, nature and the goal of the processing. It defines the type of personal data that it collects and treats and the categories of persons concerned.

### **Article 2 : Scope of subcontracting**

The subcontractor intervenes on behalf of the controller in the administration of the network allowing the backup of the data collected and processed by the controller, in the maintenance of the device and reports with the third party in charge of hosting the data.

### **Article 3 : Obligation of the controller**

In view of the nature, the scope, the context and the purpose of the processing as well as risks to the rights and freedoms of natural persons, the controller shall implement appropriate technical and organizational measures to ensure and to demonstrate that the treatment is carried out in accordance with the rules in force.

These measures are reviewed and updated if necessary.

The controller shall implement appropriate technical and organizational measures to ensure that, by default, only the personal data required for each specific purpose of the processing are processed. This applies to the amount of personal data collected, the extent of their processing, their shelf life and their accessibility. In particular, these measures ensure that, by default, personal data are not made accessible to an unknown number of natural persons without the involvement of the natural person concerned.

### **Article 4 : Subcontracting**

The processing carried out on behalf of the controller shall be carried out by the subcontractor, who shall have sufficient guarantees for the implementation of appropriate technical and organizational measures in order to ensure that the processing meets the requirements of the rules in force and ensures protection of the rights of the person concerned.

The subcontractor may not use another subcontractor without the prior, specific or general written authorization of the controller. In the case of a general written authorization, the subcontractor shall inform the controller of any planned changes concerning the addition or replacement of the subcontractor or subcontractors, giving the controller the opportunity to raise objections against these changes.

Where the subcontractor recruits another subcontractor to carry out specific processing activities on behalf of the controller, the same data protection obligations as those set out in that contract shall apply to the latter. The subcontractor thus chosen must provide

sufficient guarantees for the implementation of appropriate technical and organizational measures so that the treatment meets the requirements of the legislation in force.

#### **Article 5 : Subcontractor's commitment**

The subcontractor undertakes to :

- a) respect the confidentiality of the data and the purposes of the processing defined by the responsible;
- b) to process personal data only on the instructions of the controller ;
- c) ensure that persons authorized to process personal data undertake to respect confidentiality or are subject to an appropriate legal obligation of confidentiality ;
- d) take all measures necessary for the security of the data ;
- e) comply with the conditions set out to recruit another subcontractor ;
- f) take account of the nature of the processing, assist the controller by appropriate technical and organizational measures to the extent possible to fulfill his / her obligation to respond to requests made by data subjects to exercise their rights ;
- g) assist the controller in ensuring compliance with his obligations, taking into account the nature of the processing and the information available to the subcontractor ;
- h) According to the choice of the controller, delete personal information or send back them to the controller at the end of the provision of services related to the treatment, and destroy existing copies, unless the right of the Union or the law of the Member State does not require the preservation of the personal data ;
- i) put at the disposal of the controller information necessary to demonstrate compliance with the obligations laid down in this article and to allow the realization of audits by the controller or another auditor that there mandated, and contribute to these audits.

#### **Article 6 : Data processing**

The subcontractor, and any person acting under the authority of the controller or of the subcontractor, who has access to personal data, cannot process these data only on instructions from the controller, unless there be obliged by applicable law.

#### **Article 7 : Treatment Activities Register**

The controller and the subcontractor recognize their responsibility to each to keep a register of processing operations.

For the controller, this register must include :

- a) the name and contact details of the controller and, where applicable, the joint controller, the controller representative and the data protection officer;
- b) the purposes of the processing;
- c) a description of the categories of persons concerned and the categories of personal data ;
- d) the categories of recipients to whom personal data have been or will be communicated, including recipients in third countries or international organizations ;
- e) where appropriate, the transfer of data personal to a third country or to an international organization, including the identification of the third country or international organization and the documents attesting to the existence of guarantees appropriate ;
- f) as far as possible, the time limits for the deletion of the different categories of data ;

g) as far as possible, a general description of the planned technical and organizational security measures.

The subcontractor shall maintain a register of all categories of processing activities carried out on behalf of the controller, including :

a) the name and contact details of the subcontractor(s) and each controller on whose behalf the subcontractor acts and, where appropriate, the names and contact details of the representative of the controller or subcontractor and those of the Data Protection Officer ;

b) the categories of processing carried out on behalf of each controller ;

c) where appropriate, the transfer of data personal to a third country or to an international organization, including the identification of the third country or international organization and the documents attesting to the existence of guarantees appropriate;

d) as far as possible, a general description of the planned technical and organizational security measures.

#### **Article 8 : Provision of the supervisory authority**

The controller or subcontractor and, where appropriate, their representative shall make the register available to the supervisory authority on request.

#### **Article 9 : Cooperation with the supervisory authority**

The controller and the subcontractor and, where applicable, their representatives cooperate with the authority, at its request, in the execution of its missions.

#### **Article 10 : Security of processing**

The controller and the subcontractor are implementing technical and organisational measures appropriate in order to ensure a level of security that is adapted to the risk.

#### **Article 11 : Violation of personal data**

The subcontractor shall notify the controller of any breach of personal data as soon as possible after becoming aware of it. It shall be the responsibility of the data controller to notify the relevant supervisory authority and the data subject of the infringement in the manner and within the time limits required by the legislation in force.