

## Privacy Notice (“Notice”) for California Employees, Job Applicants, and Independent Contractors

**EFFECTIVE DATE: December 31, 2023**

This Notice describes how **ClearPoint Neuro, Inc.** (“**Company**,” “**we**,” “**us**,” or “**our**”) processes personal information (“**PI**”) of California employees, job applicants, and independent contractors in the human resources (“**HR**”) context. This Notice is designed to meet obligations under the California Consumer Privacy Act, as amended by the California Privacy Rights Act (together, the “**CCPA**”). In the event of a conflict between any other Company policy, statement, or notice and this Notice, this Notice will prevail as to California employees and job applicants, unless stated otherwise. Capitalized terms used but not defined in this Notice shall have the meanings given to them under the CCPA.

Section 1 of this Notice provides notice of our data practices, including our collection, use, retention, and disclosure of employees, job applicant, and independent contractor PI. Sections 2-5 of this Notice provide information regarding California employee, job applicant, and independent contractor rights under the CCPA and how you may exercise them.

**Non-Applicability:** This Notice does not apply to our Company website, which is addressed in our general privacy notice available at <https://www.clearpointneuro.com/privacy-policy>, except when you submit a job application to us.

### 1. NOTICE OF DATA PRACTICES

The description of our data practices in this Notice covers the twelve (12) months prior to the Effective Date and will be updated at least annually. Our data practices may differ between updates, however, if materially different from this Notice, we will provide supplemental pre-collection notice of the current practices, which may include references to other privacy policies, notices, or statements. Otherwise, this Notice serves as our notice at collection.

#### (a) Personal Information (PI) Sources and Use

We may collect your PI directly from you, such as when you apply for a position or become employed or engaged by us (e.g., identification/identity data, contact details, educational and employment data), over the phone or through paper documents such as applications for employment and consents to perform employment screening, in our notes or records we create about you, from others through interactions in the course of employment or engagement, from third parties (e.g., references and recruiters), or from public sources of data.

Generally, we use PI for HR Business Purposes and as otherwise related to the operation of our business, including for: Performing Services; Security; Debugging; Advertising & Marketing; Analytics; and Research and Development, Security (including electronic and of premises), Auditing, investigations, and compliance.

We may also use PI for “**Additional Business Purposes**” in a context that is not a Sale or Share under the CCPA, such as:

- Disclosing it to our Service Providers, Contractors, or Processors that perform services for us (“**Vendors**”);
- Disclosing it to you or to other parties at your direction or through your action (e.g., payroll processors, benefits providers, some software platform operators, etc.);

- For the additional purposes explained at the time of collection (such as in the applicable privacy policy or notice);
- As required or permitted by applicable law;
- To the government or private parties to comply with law or legal process or protect or enforce legal rights or obligations or prevent harm;
- Where we believe we need to in order to investigate, prevent or take action if we think someone might be using information for illegal activities, fraud, or in ways that may threaten someone’s safety or violate our policies or legal obligations; and
- To assignees as part of an acquisition, merger, asset sale, or other transaction where another party assumes control over all or part of our business (“Corporate Transaction”).

Subject to restrictions and obligations under the CCPA, our Vendors may also use your PI for Business Purposes and Additional Business Purposes, and may engage their own vendors to enable them to perform services for us.

**(b) PI Collection, Disclosure, and Retention - By Category of PI**

We collect, disclose, and retain PI as follows:

Category of PI	Examples of PI Collected and Retained	Categories of Recipients
1. Identifiers	Real name, alias, postal address, unique personal identifiers, online identifier, Internet Protocol address, and e-mail address, Social Security number, driver’s license number, passport number, or other similar identifiers.	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• General IT, software, and other business vendors (e.g., job listing vendors; CV mail)</li> <li>• HR system and software vendors (e.g., onboarding platform provider)</li> <li>• Financial investment services providers</li> <li>• Wellness program services providers</li> <li>• Insurance providers</li> <li>• Payroll service providers</li> <li>• Building management/security</li> <li>• Other parties (e.g., professional service providers, litigants and government entities) within the limits of Additional Business Purposes.</li> </ul> <p><b>Sale/Share:</b> None</p>
2. Personal Records	Name, signature, address, and telephone number. Some PI included in this category may overlap with other categories (e.g. Identifiers).	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• General IT, software, and other business vendors (e.g., job listing vendors; email)</li> <li>• HR system and software vendors (e.g., onboarding platform provider)</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> <li>• Also see Identifiers disclosures</li> </ul> <p><b>Sale/Share:</b> None</p>

<p>3. Personal Characteristics or Traits including those protected under California law</p>	<p>In some circumstances, we may collect PI that is considered protected under U.S. law, such as age, sex, gender, gender identity, gender expression, nationality, race, ethnicity, veteran status, or disability.</p>	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• General IT, software, and other business vendors (e.g., job listing vendors; email)</li> <li>• HR system and software vendors (e.g., onboarding platform provider) and/or</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> <li>• Also see Identifiers disclosures</li> </ul> <p><b>Sale/Share:</b> None</p>
<p>4. Internet Usage Information</p>	<p>When you use our online systems or otherwise interact with us online, we may collect browsing history, search history, and other information regarding your interaction with our systems or other sites, applications, or content.</p>	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• Analytics and business intelligence vendors</li> <li>• Cybersecurity vendors</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> </ul> <p><b>Sale/Share:</b> None</p>
<p>5. Geolocation Data</p>	<p>If you use our systems or interact with us online we may gain access to the approximate location of the device or equipment you are using, or the location from which you are accessing our systems.</p>	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><b>Sale/Share:</b> None</p>
<p>6. Sensory Data</p>	<p>We may collect audio, electronic, visual, or similar information such as video recordings of responses to interview</p>	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• General IT, software, and other business vendors</li> <li>• HR system and software vendors and/or</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> </ul> <p><b>Sale/Share:</b> None</p>

	questions or CCTV footage.	
7. Professional or Employment Information	Professional, educational, or employment-related information like job title, office location, company email address and telephone number, start and end dates, and details on qualifications and experience (including professional certifications and credentials).	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• General IT, software, and other business vendors (e.g., email)</li> <li>• HR system and software vendors (e.g., onboarding platform provider) and/or</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> </ul> <p><b>Sale/Share:</b> None</p>
8. Non-public Education Records	Education records directly maintained by an educational institution or party acting on its behalf, such as transcripts, completion of degrees, education institutions attended, and information on educational certifications held by employees and job applicants.	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• HR system and software vendors (e.g., onboarding platform provider)</li> </ul> <p><b>Sale/Share:</b> None</p>
9. Inferences from PI Collected	We may draw inferences from other information we collect about you.	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><b>Sale/Share:</b> None</p>
10. Sensitive PI	Government Issued ID Numbers (social security number)	<p><b>Disclosures for Business Purposes:</b></p> <ul style="list-style-type: none"> <li>• See Identifiers disclosures</li> <li>• General IT, software, and other business vendors</li> </ul>

		<ul style="list-style-type: none"> <li>• HR system and software vendors (e.g., onboarding platform provider) and/or</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> </ul> <b>Sale/Share: None</b>
	Personal Characteristics (racial or ethnic origin)	<b>Disclosures for Business Purposes:</b> <ul style="list-style-type: none"> <li>• See Identifiers disclosures</li> <li>• General IT, software, and other business vendors</li> <li>• HR system and software vendors and/or</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> </ul> <b>Sale/Share: None</b>
	Health Information (PI collected and analyzed concerning an individual's health) for accommodation requests	<b>Disclosures for Business Purposes:</b> <ul style="list-style-type: none"> <li>• See Identifiers disclosures</li> <li>• General IT, software, and other business vendors</li> <li>• HR system and software vendors (e.g., onboarding platform provider) and/or</li> <li>• Other parties (e.g., litigants and government entities) within the limits of Additional Business Purposes.</li> </ul> <b>Sale/Share: None</b>

We obtain the categories of PI listed above from the following categories of sources:

- Directly from you. For example, from forms you complete or information you provide during the application and/or the hiring process.
- Indirectly from you. For example, from observing your actions with computer systems, software, or other platforms.
- Third Parties. For example, from vendors used for aptitude and ability testing.

There may be additional information we collect that meets the definition of PI under the CCPA but is not reflected by a category above, in which case we will treat it as PI as required but will not include it when we describe our practices by PI category.

As permitted by applicable law, we do not treat de-identified data or aggregate consumer information as PI and we reserve the right to convert, or permit others to convert, your PI into de-identified data or aggregate consumer information, and may elect not to treat publicly available information as PI. We will not attempt to re-identify data that we maintain as de-identified.

**We do not sell or share (for cross-context or targeted behavioral advertising) your PI.**

**Retention of PI:** Because there are numerous types of PI in each category, and various uses for each PI type, actual retention periods vary. We retain specific PI pieces based on how long we have a legitimate purpose for the retention, including as mandated by applicable laws.

## 2. YOUR RIGHTS AND HOW TO EXERCISE THEM

You may have rights regarding your personal information. This section describes the rights you may have and explains how to exercise those rights.

*Access to Specific Information:* You may have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months.

*Deletion Request Rights:* You may have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. If an exception applies, we will advise you of the applicable exception and the reason for denying your request.

*Correction Request Rights:* You may have the right to request that we correct any inaccurate personal information we may hold about you. We will use commercially reasonable efforts to correct inaccurate personal information, taking into the account the nature of the personal information and the purpose for our processing.

### **Right to Limit Use and Disclosure of Sensitive PI**

We may disclose Sensitive PI in connection with diversity efforts or to prospective or current customers in response to requests for proposals. While the information shared does not identify any person by an identifier (for example, your name), it may be possible to determine the identity of any individual based on the size of the sample and the information provided. With regard to PI that qualifies as Sensitive PI under U.S. Privacy Laws, as of January 1, 2023, if you elect to provide us with that Sensitive PI, you will have consented to such Processing. However, you can limit certain types of Sensitive PI Processing by following the instructions in the section below.

### **Exercising Your Rights**

To exercise any of your rights described above, please submit a request by sending an email to [legal@clearpointneuro.com](mailto:legal@clearpointneuro.com).

We may need to validate your request. In order to validate your request, we may ask you for the following information: your name, dates of employment, or your department. Only you or an authorized agent may make a request related to your personal information. To designate an authorized agent to make a request on your behalf, please provide us with a power of attorney or other legally binding written document signed by you and identifying your agent. We may also verify the identity of your designated agent.

### **3. NON-DISCRIMINATION / NO RETALIATION**

We will not discriminate or retaliate against you in a manner prohibited by the CCPA for your exercise of your privacy rights.

### **4. NOTICE OF FINANCIAL INCENTIVE PROGRAMS**

We do not offer programs requiring you to limit any of your consumer rights, or otherwise require you to limit your consumer rights in connection with charging a different price or rate, or offering a different level or quality of good or service, or that would otherwise be considered a financial incentive related to the collection of PI.

## **5. OUR RIGHTS AND THE RIGHTS OF OTHERS**

Notwithstanding anything to the contrary, we may collect, use and disclose your PI as required or permitted by applicable law and this may override your rights under the CCPA. In addition, we are not required to honor your requests to the extent that doing so would infringe upon our or another person's or party's rights or conflict with applicable law.

## **6. CONTACT US**

For general questions about this Privacy Notice, you may contact us at [legal@clearpointneuro.com](mailto:legal@clearpointneuro.com).