



PRIVACY SHIELD POLICY

Last updated – April 24, 2019

Xeris Pharmaceuticals, Inc. (hereinafter “Xeris”, “we”, “our” or “us”), complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland transferred to the United States pursuant to Privacy Shield. Xeris has certified that it adheres to the Privacy Shield Principles with respect to such data. If there is any conflict between the policies in this privacy policy and data subject rights under the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>

Definitions

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

“**Personal Data**” means any information relating to an individual residing in the E.U. or Switzerland that can be used to identify that individual either on its own or in combination with other readily available data.

“**Sensitive Personal Data**” means Personal Data regarding an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs; trade-union membership; genetic data, biometric data processed solely to identify a human being; health-related data; or data concerning a person’s sex life or sexual orientation.

What Is Personal Information?

Personal Information is any information relating to a natural person who is, or can be, identified either directly or indirectly and includes information such as a user’s name, address, telephone number, e-mail address, credit card number, social security number, passport number, personal identification number, or information directly linked to that person. Personal Information also includes the personal medical information which you or your medical provider choose to provide to us to use the Services. You are not legally required to provide Personal Information, but if you refuse to provide such information, we may not be able to fully provide you the Services. By using the Services, you agree to our use (including transfer) of Personal Information as described in this Privacy Policy.

Never disregard medical advice or delay in seeking it because of something you have read on this Site.

How We Collect, Use, and Disclosure Personal Information

We collect certain Personal Information provided by you for the purpose of registering for Services or responding to your requests for information via the Site.

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We may use your Personal Information or Usage Information that we collect about you:

- to provide you with Services or process transactions that you have requested or agreed to receive including to send you electronic newsletters, or to provide you with special offers or promotional materials on behalf of us or third parties;
- to process your registration with the Services, including verifying your information is active and valid;
- to improve the Services, to customize your experience with the Services, or to serve you specific content that is most relevant to you;
- to enable you to participate in a variety of the Service features such as online or mobile entry sweepstakes, contests or other promotions;
- to contact you regarding your use of the Services and, in our discretion, changes to the Services or our policies;
- for internal business purposes;
- for inclusion in our data analytics; and
- for purposes disclosed at the time you provide your information or as otherwise set forth in this Privacy Policy.

We do not disclose any Personal Information about you to any third parties except under the following circumstances:

- We may need to disclose your Personally Information when required by law, regulation, or if we have a good-faith belief that such action is necessary to comply with a court order or subpoena, to cooperate with investigations by law enforcement or regulatory authorities or to participate or cooperate with a judicial proceeding.
- In a merger, acquisition by another company, or a sale of all or a portion of our assets, your Personal Information will, in most instances, be transferred to the control of a third party. We will post a notice on our Site for 30 days after a change of ownership or control of our business or assets. If you have provided us with your email address, we may (but are not required to) send you an email notifying you of such transfer.
- Personal Information which Xeris collects for a particular purpose will only be saved and used for that purpose, unless you agree to allow Xeris to use it for some other purpose. When you have provided Personal Information to Xeris for a particular purpose, Xeris may disclose such information to other companies that Xeris has engaged to assist it in fulfilling your request. This may include, but is not limited to, fulfillment houses, billing services, transaction managers, credit verification services, and other third-party service providers. Xeris may also disclose any your personal information to law enforcement or other appropriate third parties in connection with criminal investigations, investigation of fraud, infringement of intellectual property rights, or other suspected illegal activities, as may be required by applicable law, or, as Xeris may deem necessary in its sole discretion, in order to protect the legitimate legal and business interests of Xeris.

Scope and Responsibility

This Privacy Shield Policy applies to Personal Data transferred from European Union member countries and Switzerland to Xeris' operations in the U.S. in reliance on the respective Privacy Shield framework and does not

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apply to Personal Data transferred under Standard Contractual Clauses or any approved derogation from the EU Directive.

Some types of Personal Data may be subject to other privacy-related requirements and policies. For example:

- Some Xeris websites have their own privacy policies.
- Personal Data regarding and/or received from a client is also subject to any specific agreement with, or notice to, the client, as well as additional applicable laws and professional standards.
- Employee Personal Information is subject to internal human resource policies including the Employee Data Privacy Notice.

All employees of Xeris that have access in the U.S. to Personal Data covered by this Privacy Shield Policy are responsible for conducting themselves in accordance with this Privacy Shield Policy. Adherence by Xeris to this Privacy Shield Policy may be limited to the extent required to meet legal, regulatory, governmental, or national security obligations, but Personal Data covered by this Privacy Shield Policy shall not be collected, used, or disclosed in a manner contrary to this policy without the prior written permission of Xeris' Data Protection Officer.

Xeris employees responsible for engaging third parties to which Personal Data covered by this Privacy Shield Policy will be transferred are responsible for obtaining appropriate assurances that such third parties have an obligation to conduct themselves in accordance with the applicable provisions of this Privacy Shield Principles, including any applicable contractual assurances required by Privacy Shield.

Privacy Shield Principles

Xeris commits to subject to the Privacy Shields' Principles all Personal Data received by Xeris in the U.S. from European Union member countries and Switzerland in reliance on the respective Privacy Shield framework.

1. Notice

Xeris notifies Data Subjects covered by this Choice Privacy Shield Policy about its data practices regarding Personal Data received by Xeris in the U.S. from European Union member countries and Switzerland in reliance on the respective Privacy Shield framework, including the types of Personal Data it collects about them, the purposes for which it collects and uses such Personal Data, the types of third parties to which it discloses such Personal Data and the purposes for which it does so, the rights of Data Subjects to access their Personal Data, the choices and means that Xeris offers for limiting its use and disclosure of such Personal Data, how Xeris' obligations under the Privacy Shield are enforced, and how Data Subjects can contact Xeris with any inquiries or complaints.

2. Choice

We will provide an individual opt-out choice, or opt-in for sensitive data, before we share your data with third parties other than our agents, or before we use it for a purpose other than which it was originally collected or subsequently authorized. To request to limit the use and disclosure of your personal information, please submit a written request to privacy@xerispharma.com.

3. Accountability for Onward Transfer

We may transfer Personal Data covered by this Privacy Shield Policy to third parties with which we contract to provide support services including, but not limited to, clinical research organizations, laboratory organizations, or clinical analytics companies. In the event we transfer Personal Data to such third parties, we will do so

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consistent with any notice provided to Data Subjects and any consent they have given, and only if the third party has given us contractual assurances that it will (i) process the Personal Data for limited and specified purposes consistent with any consent provided by the Data Subjects, (ii) provide at least the same level of protection as is required by the Privacy Shield Principles and notify us if it makes a determination that it cannot do so; and (iii) cease processing of the Personal Data or take other reasonable and appropriate steps to remediate if it makes such a determination. If Xeris has knowledge that a third party acting as a controller is processing Personal Data covered by this Privacy Shield Policy in a way that is contrary to the Privacy Shield Principles, Xeris will take reasonable steps to prevent or stop such processing.

With respect to our agents, we will transfer only the Personal Data covered by this Privacy Shield Policy needed for an agent to deliver to Xeris the requested product or service. Furthermore, we will (i) permit the agent to process such Personal Data only for limited and specified purposes; (ii) require the agent to provide at least the same level of privacy protection as is required by the Privacy Shield Principles; (iii) take reasonable and appropriate steps to ensure that the agent effectively processes the Personal Data transferred in a manner consistent with Xeris' obligations under the Privacy Shield Principles; and (iv) require the agent to notify Xeris if it makes a determination that it can no longer meet its obligation to provide the same level of protection as is required by the Privacy Shield Principles. Upon receiving notice from an agent that it can no longer meet its obligation to provide the same level of protection as is required by the Privacy Shield Principles, we will take reasonable and appropriate steps to stop and remediate unauthorized processing.

In certain situations, we may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

Xeris' accountability for personal data that it receives in the United States under the Privacy Shield and subsequently transfers to a third party is described in the Privacy Shield Principles. In particular, Xeris remains responsible and liable under the Privacy Shield Principles if third-party agents that it engages to process personal data on its behalf do so in a manner inconsistent with the Principles, unless Xeris proves that it is not responsible for the event giving rise to the damage.

4. Security

Xeris takes reasonable and appropriate measures to protect Personal Data covered by this Privacy Shield Policy from loss, misuse, and unauthorized access, disclosure, alteration, and destruction, taking into due account the risks involved in the processing and the nature of the Personal Data. We have appointed a Data Protection Officer to oversee Xeris' protection of personal data who may be contacted at d.x.jung@mydata-trust.com if you have questions regarding this Privacy Shield Policy or your rights hereunder.

5. Data Integrity and Purpose Limitation

Xeris limits the collection of Personal Data covered by this Privacy Shield Policy to information that is relevant for the purposes of processing including, but not limited to, demographic and medical data relating to clinical trial research subjects and contact information related to the health care professionals supporting such clinical trials. Xeris does not process such Personal Data in a way that is incompatible with the purposes for which it has been collected or subsequently authorized by the Data Subject.

Xeris takes reasonable steps to ensure that such Personal Data is reliable for its intended use, accurate, complete, and current. Xeris takes reasonable and appropriate measures to comply with the requirement under the Privacy Shield to retain Personal Data in identifiable form only for as long as it serves a purpose of processing, which includes Xeris' obligations to comply with professional standards, Xeris' business purposes and unless a longer retention period is permitted by law, and it adheres to the Privacy Shield Principles for as long as it retains such Personal Data.

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6. Access

Pursuant to the Privacy Shield Frameworks, EU and Swiss individuals have the right to obtain our confirmation of whether we maintain personal information relating to you in the United States. Upon request, we will provide you with access to the personal information that we hold about you. You may also correct, amend, or delete the personal information we hold about you. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data transferred to the United States under Privacy Shield, should direct their query to privacy@xerispharma.com. If requested to remove data, we will respond within a reasonable timeframe.

7. Recourse, Enforcement, and Liability

Xeris' participation in the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework is subject to investigation and enforcement by the Federal Trade Commission.

In compliance with the Privacy Shield Principles, Xeris commits to resolve complaints about your privacy and our collection or use of your personal information transferred to the United States pursuant to Privacy Shield. European Union and Swiss individuals with Privacy Shield inquiries or complaints should first contact Xeris by email at privacy@xerispharma.com.

Xeris has further committed to refer unresolved privacy complaints under the Privacy Shield Principles to an independent dispute resolution mechanism, the BBB EU PRIVACY SHIELD. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <http://www.bbb.org/EU-privacy-shield/for-eu-consumers> for more information and to file a complaint. This service is provided free of charge to you.

If your complaint involves human resources data transferred to the United States from the EU and/or Switzerland in the context of the employment relationship, and Xeris does not address it satisfactorily, Xeris commits to cooperate with the panel established by the EU data protection authorities (DPA Panel) and/or the Swiss Federal Data Protection and Information Commissioner, as applicable and to comply with the advice given by the DPA panel and/or Commissioner, as applicable with regard to such human resources data. To pursue an unresolved human resources complaint, you should contact the state or national data protection or labor authority in the appropriate jurisdiction. Contact details for the EU data protection authorities can be found at https://edpb.europa.eu/about-edpb/board/members_en. Complaints related to human resources data should not be addressed to the BBB EU PRIVACY SHIELD.

If your Privacy Shield complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for some residual claims not resolved by other redress mechanisms. See Privacy Shield Annex 1 at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

Changes to this Privacy Shield Policy

This Privacy Shield Policy may be amended from time to time consistent with the requirements of the Privacy Shield. Appropriate notice regarding such amendments will be given.