

WEX Pharmaceuticals Inc.
Privacy Notice for Clinical Trial Participants

Last Updated: April 06, 2022.

1. Introduction

This Privacy Notice explains how WEX Pharmaceuticals Inc. (“**WEX**”) collects, uses, discloses and retains personal information about individuals who participate in clinical trials of WEX products.

In this Privacy Notice:

- “**Clinical Trial**” means a clinical trial of a WEX product that is conducted at the request of WEX, including the compassionate use and/or expanded access of a WEX product;
- “**CRO**” means an independent clinical research organization engaged by WEX to administer a Clinical Trial; and
- “**personal information**” means information about an identifiable individual, such as an individual’s name and email address, but does not include, to the extent permitted by law, information that is publicly available in a telephone directory, business contact information that enables an individual to be contacted at a place of business, and other kinds of information that are not subject to regulation by personal information protection or privacy laws.

2. Scope of this Privacy Notice

This Privacy Notice applies to you only if you are an individual who: (a) is considered by WEX or a CRO to participate in a Clinical Trial; or (b) is a clinical trial participant in a Clinical Trial. For information about how WEX collects, uses, discloses and retains personal information about other individuals or in other circumstances, including personal information about healthcare professionals involved in the conduct of a Clinical Trial, please review WEX’s Privacy Statement and WEX’s Privacy Notice for Healthcare Professionals, each of which is available on WEX’s website (www.wexpharma.com) or on written request to WEX’s Privacy Officer (see section 13 below).

This Privacy Notice applies only with respect to personal information that is collected by or on behalf of WEX. This Privacy Notice does not apply to any personal information that a CRO collects on its own behalf or for its own purposes. For information about how a CRO collects, uses, discloses and retains personal information in those circumstances, you should contact the CRO or review the CRO’s own privacy policies and notices.

3. Lawful Collection of Personal Information

By agreeing to be considered by WEX or a CRO on behalf of WEX to participate in a Clinical Trial or by participating in a Clinical Trial, you consent to the collection, use, disclosure and retention of the personal information by or on behalf of WEX in accordance with this Privacy Notice and as otherwise permitted by applicable law. If WEX or a CRO on behalf of WEX collects your personal information based on your consent, then you may withdraw your consent at any time, subject to legal or contractual restrictions and with reasonable notice to WEX or the relevant CRO, but then you might not be permitted to participate, or continue to participate, in a Clinical Trial or you might not otherwise be able to proceed with your intended interactions with WEX or the CRO regarding a Clinical Trial.

Where permitted by applicable law, WEX or a CRO on behalf of WEX may collect your personal information without consent based on legitimate interests or other lawful basis.

4. How WEX Collects Personal Information

In most cases, WEX or a CRO on behalf of WEX collects personal information directly from you when you submit information to be considered to participate in a Clinical Trial or participate in a Clinical Trial. For

example, WEX or a CRO on behalf of WEX may collect your name and contact information, demographic information, medical history and other information relevant to your participation in a Clinical Trial.

In some cases, WEX or a CRO on behalf of WEX may collect your personal information from third party sources. For example, WEX or a CRO may collect your personal information from other healthcare professionals in the course of compiling your medical history.

5. How WEX Uses Personal Information

WEX or a CRO on behalf of WEX may use your personal information for various purposes in connection with their interactions with you and your participation in a Clinical Trial and as otherwise set out in this Privacy Notice or permitted by applicable law, including:

- to evaluate your eligibility to participate in a Clinical Trial;
- to carry out the purposes of the Clinical Trial, including to administer the Clinical Trial protocol to you;
- to provide you with information (including by email and other electronic messages) and otherwise communicate with you regarding a Clinical Trial in which you are involved;
- to maintain, protect and improve WEX's business and operations; and
- to protect and enforce WEX's legal rights, interests and remedies and to protect the business, and operations of WEX or other persons.

WEX or a CRO on behalf of WEX may combine your personal information collected from various sources.

In most cases, WEX or a CRO on behalf of WEX will use your personal information to create non-personal information, and WEX or a CRO on behalf of WEX may then use, disclose and retain the non-personal information as set out below in this Privacy Notice.

6. How WEX Discloses Personal Information

WEX or a CRO on behalf of WEX discloses your personal information for purposes relating to or arising from your interactions and transactions with WEX or the CRO and as otherwise set out in this Privacy Notice or permitted by applicable law. For example, WEX or a CRO on behalf of WEX may disclose your personal information:

- in accordance with express or implied consents that you give during your interactions and transactions with WEX or the CRO;
- to suppliers and service providers (including independent health care organizations involved in a Clinical Trial) engaged by or on behalf WEX or the CRO for the purpose of providing requested supplies or services, including assisting WEX or the CRO to use your personal information as set out in this Privacy Notice and as otherwise permitted by applicable law;
- as required or authorized by applicable law, including to comply with a subpoena, warrant or court or arbitral order or litigation disclosure obligation, if WEX reasonably believes the disclosure is necessary or appropriate in connection with national security, law enforcement or other issues of public importance, or if WEX reasonably believes the disclosure is necessary or appropriate to protect and enforce WEX's legal rights, interests and remedies or to protect the rights, interests, business, operations or customers of WEX or other persons; or
- in connection with a proposed or actual business transaction in which WEX is involved (e.g., a corporate amalgamation, reorganization, merger or acquisition, or the sale or transfer of some or all of WEX's business or assets).

WEX will never disclose your personal information in connection with the publication of the results of a Clinical Trial in which you were involved.

7. Location of Personal Information

WEX (directly and indirectly through its service providers, including a CRO) may process, store and use your personal information at facilities in Canada, the United States, Hong Kong, China, Taiwan, Singapore,

South Korea, Vietnam, and other countries. The personal information protection laws of those other countries might be different from the laws of the jurisdiction in which you reside, and might permit courts, government, law enforcement agencies, regulatory agencies and security authorities to access your personal information without notice. By providing your personal information to WEX or a CRO on behalf of WEX, you consent to the transfer of the personal information to facilities located in other countries and the processing and storage of the personal information at those facilities.

8. Retention of Personal Information

WEX will retain your personal information for the period reasonably necessary for the purposes set out or referenced in this Privacy Notice, to comply with applicable law and to enforce or protect WEX's legal rights, or a longer period required or permitted by applicable law. WEX will delete or dispose of your personal information, or depersonalize the information, when WEX is no longer reasonably required to retain the information for the purposes set out or referenced in this Privacy Notice.

9. Protection of Personal Information

WEX uses reasonable safeguards – including administrative, physical and technical security and safeguarding measures – appropriate to the sensitivity of the personal information in WEX's possession or under WEX's legal control to help protect the information from unauthorized access, collection, use, disclosure, deletion or similar risks. Nevertheless, security risks cannot be eliminated and WEX cannot guarantee that, and will not assume any liability for, your personal information will not be accessed, used, disclosed or deleted in ways not described in this Privacy Notice.

10. Accuracy and Access to Personal Information

WEX will rely on you to ensure that the personal information you provide to WEX or a CRO on behalf of WEX is as accurate, complete and up to date as necessary for the purposes for which the personal information will be used. You will promptly notify WEX or a CRO on behalf of WEX of any changes to your personal information using the procedures made available for that purpose by WEX or the CRO or by contacting WEX's Privacy Officer (see section 13 below).

You may reasonably request access to your personal information collected by or on behalf of WEX and information about WEX's use, disclosure and retention of the personal information by submitting a written request to WEX's Privacy Officer (see section 13 below). Subject to applicable exceptions and limitations prescribed by applicable law, you will be given reasonable access to your personal information and you will be entitled to verify the accuracy and completeness of your personal information and have the information corrected as appropriate. You may be required to pay a reasonable fee for access to your personal information. WEX may decline to process an access request that is unreasonably repetitive, frivolous, vexatious or impracticable, or if WEX reasonably believes that the requested access would infringe or jeopardize the privacy of other persons, or violate any applicable law or legal requirement, or for other reasons permitted by applicable law.

11. Non-Personal Information

In the course of a Clinical Trial in which you participate, WEX will use your personal information to create and collect non-personal information (information that is not about an identifiable individual), including personal information that has been aggregated or otherwise depersonalized so that the information no longer relates to an identifiable individual. WEX may use, disclose, transfer and retain non-personal information for any purpose and in any manner whatsoever (including in connection the publication of the results of a Clinical Trial in which you were involved). If non-personal information is combined with personal information, then WEX will treat the combined non-personal information as personal information for the purposes of this Privacy Notice for as long as the non-personal information is combined with the personal information.

12. Other Matters

(a) **Disclaimers, Liability Exclusions/Limitations and Disputes:** The agreements that you accept when you agree to participate in a Clinical Trial may contain provisions disclaiming, limiting or excluding the liability of WEX and other persons (including a CRO) and provisions determining the applicable law and jurisdiction for the resolution of disputes. To the extent permitted by applicable law, each of those provisions applies to any dispute that may arise in relation to this Privacy Notice or WEX’s collection, use, disclosure and retention of your personal information, and are of the same force and effect as if they were reproduced directly in this Privacy Notice. Nothing in this Privacy Notice amends any of those other agreements.

(b) **Changes to this Privacy Notice:** WEX may change this Privacy Notice from time to time and without any notice to you by posting a new version of this Privacy Notice on the WEX website. WEX’s collection, use, disclosure and retention of your personal information will be governed by the version of this Privacy Notice in effect at that time. Your continued dealings with WEX after any change to this Privacy Notice will signify your consent to the collection, use, disclosure and retention of your personal information by or on behalf of WEX as set out in the changed Privacy Notice. Accordingly, you should check the “Last Updated” date of this Privacy Notice (at the top of this Privacy Notice) and review any changes since the last version.

(c) **Notices to You:** You consent to WEX and a CRO on behalf of WEX sending you emails (to the email addresses you provide to WEX or the CRO) regarding this Privacy Notice and related matters and as otherwise permitted by applicable law.

13. Contacting WEX

If you have any comments or questions about this Privacy Notice or how WEX handles your personal information, please contact WEX’s Privacy Officer by mail or email at: WEX Pharmaceuticals Inc., 1100 Melville St., Suite 1150, Vancouver, BC V6E 4A6; email: privacyofficer@wexpharma.com.

CONFIRMATION AND CONSENT

I have read and understand this Privacy Notice.

I acknowledge that, where permitted by applicable law, WEX or a CRO on behalf of WEX will collect my personal information without my consent based on legitimate interests or other lawful basis, and will use, disclose and retain my personal information in accordance with this Privacy Notice and as otherwise permitted by applicable law.

If my consent is required under applicable law, then I hereby consent to the collection, use, disclosure and retention of my personal information by or on behalf of WEX (including by a CRO on behalf of WEX) in accordance with this Privacy Notice and as otherwise permitted by applicable law.

Date: _____

Signature

Name