

Heron Therapeutics, Inc.
Privacy Notice
for
California Job Candidates

CALIFORNIA LAW REQUIRES THAT WE PROVIDE YOU THIS NOTICE ABOUT THE COLLECTION AND USE OF YOUR PERSONAL INFORMATION. WE ENCOURAGE YOU TO READ IT CAREFULLY.

Effective Date: January 1, 2023

1. Introduction

This notice (“**Notice**”) describes the categories of personal information that Heron Therapeutics, Inc., and its subsidiaries and affiliates, (“**Company**”, “**we**”, “**us**” and “**our**”) collects about California residents who apply or are recruited for a job with us or one of our affiliates (“**candidates**”), and how we use and disclose that information.

This notice applies to personal information collected about you in your capacity as a job candidate. See our Privacy Policy for information about our practices when you interact with us offline or online in the same manner that a website visitor or other non-candidate may interact with us.

For purposes of this Notice, “**personal information**” and “**sensitive personal information**” have the meaning given in the California Consumer Privacy Act of 2018 (as amended, the “**CCPA**”).

This Notice does not create or form part of any contract for employment or otherwise.

If you have questions about this Notice, please contact Fabiola Fujiwara by email at ffujiwara@herontx.com, or by phone at (858) 251-4477.

2. Information we collect about candidates

2.1. Categories of personal information

Below are categories of personal information we may collect and process during the application and recruitment process. For each category listed, the CCPA requires us to identify the statutory category under Cal. Civ. Code Section 1798.140(v)(1) to which it corresponds. These statutory categories are listed in footnotes as “California categories” or addressed in Section 2.2.

- **Contact information**, such as home address, telephone number, and email address;¹
- **Information from job application materials or recruiters**, such as your job application, resume or CV, cover letter, writing samples, references, work history, education transcripts, whether you are subject to prior employer obligations, relatives employed by the Company, and information that referrers provide about you;²
- **Professional qualifications**, such as licenses, permits, memberships, and certifications;³
- **Information from the application process**, such as any phone-screens, interviews, evaluations and outcomes of recruiting exercises;⁴
- **Immigration status** and other information that would allow us to verify your employment eligibility;⁵

¹ **California categories:** Identifiers, Professional or employment-related information

² **California categories:** Identifiers, Professional or employment-related information

³ **California categories:** Identifiers, Professional or employment-related information, Education information

⁴ **California categories:** Identifiers, Professional or employment-related information, Sensory information

⁵ **California categories:** Identifiers, Professional or employment-related information, Protected classification characteristics

- **Biographical information**, such as name, gender, date of birth, professional history, references, language proficiencies, education details, and information you make publicly available through job search or career networking sites;⁶
- **Job preferences**, such as desired position and compensation, location preferences and willingness to relocate;⁷
- **Employment history**, such as your prior employers, how long you worked with each of your prior employers, and your prior positions;⁸
- **Background check information**, such as information necessary to complete background, credit, drug/alcohol and/or other checks when permitted by law, and information received during these checks;⁹
- **Information needed to understand and assess accommodation requests regarding potential disabilities or other health conditions**;¹⁰
- **Medical information** if you meet with us in-person, such as your body temperature, health symptoms, vaccination status and other screening information in connection with the Company's health and safety plans and protocols, including screening required to access Company offices/facilities and other measures designed to prevent the transmission of COVID-19 or other infectious diseases;¹¹ and
- **Other information you provide to us.**

Providing personal information to us is voluntary. However, if you do not provide sufficient information, we may be unable to consider your application or, if you are hired, your subsequent promotion, transfer or relocation.

In certain cases we may ask you for additional information for purposes of complying with applicable laws. We may also inquire about criminal and/or credit records. We will do so only where permitted by applicable law.

2.2. *Sensitive personal information and protected classification characteristics*

With the possible exception of “contact information”, “job preferences”, and “employment history”, all of the categories above include, or contain information from which it may be possible to infer, sensitive personal information and characteristics of protected classifications under California or federal law if applicable. However, we do not use or disclose sensitive personal information in ways subject California residents' right to limit use or disclosure of sensitive personal information under the CCPA.

2.3. *Sources of personal information*

We collect personal information from you when you apply for a job and throughout the job application or recruitment process. We may also collect your personal information from other sources and combine it with the personal information you provide us. For example, we may collect your personal information from:

⁶ **California categories:** Identifiers, Professional or employment-related information, Education information

⁷ **California categories:** Identifiers, Professional or employment-related information

⁸ **California categories:** Identifiers, Professional or employment-related information

⁹ **California categories:** Identifiers, Professional or employment-related information, Protected classification characteristics

¹⁰ **California categories:** Identifiers, Medical information, Professional or employment-related information

¹¹ **California categories:** Identifiers, Medical information, Professional or employment-related information

- **Job board websites** you may use to apply for a job with us;
- **Prior employers** that provide us with employment references;
- **Professional references** that you authorize us to contact;
- **Pre-employment screening services**, such as background check providers (where permitted by law);
- **Employment agencies and recruiters**;
- **Your educational institutions**;
- **Your public social media profile** or other publicly-available sources;
- **Other Company personnel**.

This section generally describes our practices currently and during the preceding 12 months. You should assume that each category of personal information we collect may have been collected from each category of sources listed above in this section.

3. How we use personal information about candidates

3.1. Purposes for which we use personal information

We may use the categories of personal information above for the following purposes:

- **Recruitment management.** Managing recruitment generally, such as:
 - operating the careers website we maintain at <https://www.herontx.com/careers/> or any other site to which this Notice is posted ("**Careers Site**");
 - recruiting, interviewing and evaluating job candidates;
 - conducting background checks and other pre-employment screening (where permitted by law);
 - analyzing and improving our application and recruitment processes;
 - accommodating disabilities or health conditions;
 - communicating with you regarding your candidacy, opportunities with the Company or about the Careers Site and any changes to applicable terms or policies; and
 - other business operations.
- **Compliance, safety and protection**, such as:
 - complying with or monitoring compliance with legal and other requirements, such as tax, audit, recordkeeping, reporting, verifying identity and eligibility to work, and equal opportunities monitoring requirements, where applicable;
 - complying with internal policies and procedures;
 - complying with lawful requests and legal process, such as to respond to subpoenas or requests from government authorities;
 - protecting our, your or others' rights, safety and property, including by complying with applicable public health guidelines and requirements, including, without limitation, guidance from the Centers for Disease Control or other public health authorities relating to the prevention and control of COVID-19 or other infectious diseases;
 - investigating and deterring against fraudulent, harmful, unauthorized, unethical or illegal activity, or conduct in violation of our policies or procedures;
 - controlling access to and monitoring our physical premises (e.g., by requiring health screenings to access offices/facilities);

- pursuing legal rights and remedies, including investigating, making and defending complaints or legal claims; administering and enforcing internal policies and procedures; and
- providing information to government authorities, law enforcement, courts or private parties where we have a good-faith belief it is necessary for the foregoing purposes.
- **Analytics.** Creating anonymous, aggregated or de-identified data that we use and disclose to analyze our application and recruitment activities, business and for other lawful business purposes. We do not attempt to reidentify deidentified information derived from personal information, except for the purpose of testing whether our deidentification processes comply with applicable law.

3.2. *Disclosing personal information*

We may disclose your personal information to the following parties to facilitate one or more of the purposes described above.

- **Affiliates.** Our corporate parent, subsidiaries, and other affiliates under the control of our corporate parent, for purposes consistent with this Notice or to operate shared infrastructure, systems and technology.
- **Company service providers.** Companies that provide us with services that help us manage the recruiting process and operate our business, such as job boards, recruiters, interviewing and testing, pre-employment screening, interview travel booking and expense reimbursement (where applicable), relocation (where applicable), and recruitment analytics.
- **Government authorities, law enforcement and others.** Government authorities, law enforcement, courts, and others as described in the [compliance, safety and protection](#) section above.
- **Business transfers.** Parties to transactions and potential transactions whereby we sell, transfer or otherwise share some or all of our business or assets, including your personal information, such as a corporate divestiture, merger, consolidation, acquisition, reorganization or sale of assets, or in the event of bankruptcy or dissolution.
- **Professional advisors.** Lawyers, immigration advisors, and other outside professional advisors who require your information in the course of providing their services.
- **Customers and business partners.** Customers, other companies and individuals with whom the Company does business or is exploring a business relationship.
- **Other parties** not listed above but that are identified at or before the point at which we collect your personal information along with the purposes for which the information will be shared.

This section generally describes our practices currently and during the preceding 12 months. You should assume that each category of personal information we collect may be disclosed, and may have been disclosed during the preceding 12 months, to each category of other parties listed above in this section.

3.3. *Retention*

The criteria for deciding how long to retain personal information is generally based on whether such period is sufficient to fulfill the purposes for which we collected it as described in this Notice, including complying with our legal obligations.

4. **California privacy rights**

4.1. *Your California privacy rights*

California residents have the rights listed below under the CCPA. However, these rights are not absolute, and in certain cases we may decline your request as permitted by law.

- **Information.** You can request the following information about how we have collected and used your personal information during the past 12 months:
 - The categories of personal information that we have collected.
 - The categories of sources from which we collected personal information.
 - The business or commercial purpose for collecting or selling personal information.
 - The categories of third parties with which we share personal information.
 - The categories of personal information that we sold or disclosed for a business purpose.
 - The categories of third parties to whom the personal information was sold or disclosed for a business purpose.
- **Access.** You can request a copy of the personal information that we have collected about you.
- **Deletion.** You can ask us to delete the personal information that we have collected from you.
- **Correction.** You can ask us to correct inaccurate personal data that we have collected about you.
- **Opt-out of sales or sharing of personal information.** California residents can opt-out of any “sale” of their personal information or “sharing” of personal information for cross-contextual behavioral advertising as such terms are defined under the CCPA. We do not sell or share personal information of applicants and have not done so in the preceding 12 months. However, we encourage you to review our Privacy Policy for information about the sale or sharing of personal information that may occur when you interact with us offline or online in the same manner that a website visitor or other non-candidate may interact with us. We do not recruit and have no actual knowledge of having sold or shared the personal information in the past 12 months of, candidates under age 16.
- **Nondiscrimination.** You are entitled to exercise the rights described above free from discrimination as prohibited by the CCPA, including exercising such rights without retaliation.

4.2. *How to exercise your California privacy rights*

You may submit requests to exercise your rights to ffujiwara@herontx.com or submitting a request through our webform located at <https://www.herontx.com/opt-out-form/>. We cannot process your request if you do not provide us with sufficient detail to allow us to understand and respond to it. We may need to verify your identity to process your information/know, access, deletion, and correction requests, and we reserve the right to confirm your current California residency.

Your authorized agent may make a request on your behalf upon our verification of the agent’s identity and our receipt of a copy of a valid power of attorney given to your authorized agent pursuant to California Probate Code Sections 4000-4465. If you have not provided your agent with such a power of attorney, you must provide your agent with written and signed permission to exercise your CCPA rights on your behalf, provide the information we request to verify your identity, and provide us with confirmation that you have given the authorized agent permission to submit the request.

5. **Third parties**

This Notice does not address, and we are not responsible for, the practices of any third parties, which have their own rules for how they collect and use your personal information. Our links to third party websites or services are not endorsements.

6. **Changes to this Notice**

We reserve the right to change this Notice at any time. The “Effective Date” heading at the top of this Notice indicates when it was last revised. Any changes will become effective when we post the revised notice on our Careers Site.

7. Your obligations

Among other obligations, including without limitation the obligation to provide complete and accurate information in recruiting documents and processes, it is your responsibility to ensure that information you submit does not violate any third party's rights.

You should keep your personal information on file with the Company up to date and inform us of any significant changes to it.