

Privacy Policy

Effective as of January 1, 2023.

This Privacy Policy describes how Heron Therapeutics, Inc., and our subsidiaries and affiliates ("**Heron Therapeutics**", "**we**", "**us**" or "**our**") processes personal information that we collect through our digital or online properties or services that link to this Privacy Policy, including as applicable our websites, marketing activities, and other activities described in this Privacy Policy (collectively, the "**Service**"). Heron Therapeutics may provide additional or supplemental privacy policies to individuals for specific products or services that we offer at the time we collect personal information.

You can download a printable copy of this Privacy Policy [here](#).

California residents: See our [Notice to California residents](#) for information about your personal information and privacy rights.

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Personal information we collect

Information you provide to us. Personal information you may provide to us through the Service or otherwise includes:

- **Contact data**, such as your first and last name, salutation, email address, billing and mailing addresses, professional title and company name, and phone number.
- **Demographic data**, such as your city, state, country of residence, postal code, date of birth, and age.
- **Product data** related to your use or prospective use of our products, such as information about an adverse event, feedback about our products, treatment information, copay and patient assistance program information, and insurance information.
- **Profile data**, such as the username and password that you may set to establish an online account on the Service, details about your practice, and any other information that you add to your account profile.
- **Communications data** based on our exchanges with you, including when you contact us through the Service, social media, or otherwise.

- **Marketing data**, such as your preferences for receiving our marketing communications and details about your engagement with them.
- **Payment data** needed to complete transactions, including check remittance address or bank account number.
- **Survey data** for example, if you fill out a survey or provide feedback about our Service or products.
- **Job application data**, such as professional credentials and skills, educational and work history, LinkedIn profile page, personal website, authorization to work in the U.S., immigration status, criminal history, and other information that may be included on a resume or curriculum vitae as well as in a cover letter. This may also include diversity information that you voluntarily provide.
- **Other data** not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

Third-party sources. We may combine personal information we receive from you with personal information we obtain from other sources, such as:

- **Public sources**, such as government agencies, public records, and other publicly available sources.
- **Marketing partners**, such as joint marketing partners and event co-sponsors.
- **Physicians or providers**, such as from your prescribing physician or provider.

Automatic data collection. We, our service providers, and our business partners may automatically log information about you, your computer or mobile device, and your interaction over time with the Service, our communications and other online services, such as:

- **Device data**, such as your computer or mobile device's operating system type and version, manufacturer and model, browser type, screen resolution, RAM and disk size, CPU usage, device type (e.g., phone, tablet), IP address, unique identifiers (including identifiers used for advertising purposes), language settings, mobile device carrier, radio/network information (e.g., Wi-Fi, LTE, 3G), and general location information such as city, state or geographic area.
- **Online activity data**, such as pages or screens you viewed, how long you spent on a page or screen, the website you visited before browsing to the Service, navigation paths between pages or screens, information about your activity on a page or screen, access times and duration of access, and whether you have opened our emails or clicked links within them.
- **Communication interaction data** such as your interactions with our email, text or other communications (e.g., whether you open and/or forward emails) – we may do this through use of pixel tags (which are also known as clear GIFs), which may be embedded invisibly in our emails.

Cookies and similar technologies. Some of the automatic collection described above is facilitated by the following technologies:

- **Cookies**, which are small text files that websites store on user devices and that allow web servers to record users' web browsing activities and remember their submissions, preferences, and login status as they navigate a site. Cookies used on our sites include both "session cookies" that are deleted when a session ends, "persistent cookies" that remain longer, "first party"

cookies that we place and “third party” cookies that our third-party business partners and service providers place.

- **Local storage technologies**, like HTML5, that provide cookie-equivalent functionality but can store larger amounts of data on your device outside of your browser in connection with specific applications.
- **Web beacons**, also known as pixel tags or clear GIFs, which are used to demonstrate that a webpage or email was accessed or opened, or that certain content was viewed or clicked.

Data about others. We may offer features that help users refer their friends or colleagues to use the Service, and we may collect contact details about these invitees so we can deliver their invitations. Please do not refer someone to us or share their contact details with us unless you have their permission to do so.

How we use your personal information

We may use your personal information for the following purposes or as otherwise described at the time of collection:

Service delivery and operations. We may use your personal information to:

- provide, operate and improve the Service and our business;
- complete the transactions you have requested;
- establish and maintain your user profile on the Service;
- communicate with you about the Service, including by sending Service-related announcements, updates, security alerts, and support and administrative messages;
- personalizing the service, including remembering the devices from which you have previously logged in and remembering your selections and preferences as you navigate the Service;
- perform analyses on the data we have collected, such as market analyses, trends, and other research for statistical purposes;
- facilitate your invitations to friends and colleagues who you want to refer to join the Service;
- communicate with you about special events and surveys in which you participate;
- perform analyses on the data we have collected, such as market analyses, trends, and other research for statistical purposes;
- send investor-related materials, either at your request, or in the ordinary course of business if you are an investor in our securities;
- compare information and identification for accuracy and verify it, including for identification purposes; and
- provide support for the Service, and respond to your requests, questions and feedback.

Research and development. We may use your personal information for research and development purposes, including to analyze and improve the Service and our business and to develop new products and services. As part of these activities, we may create aggregated, de-identified and/or anonymized data from personal information we collect. We make personal information into de-identified or anonymized data by removing information that makes the data personally identifiable to you. We may

use this aggregated, de-identified or otherwise anonymized data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

Marketing and advertising. We, our service providers and our third-party advertising partners may collect and use your personal information for marketing and advertising purposes:

- **Direct marketing.** We may send you direct marketing communications and may personalize these messages based on your needs and interests. You may opt-out of our marketing communications as described in the [Opt-out of marketing](#) section below.
- **Interest-based advertising.** Our third-party advertising partners may use cookies and similar technologies to collect information about your interaction (including the data described in the automatic data collection section above) with the Service, our communications and other online services over time, and use that information to serve online ads that they think will interest you. This is called interest-based advertising. We may also share information about our users with these companies to facilitate interest-based advertising to those or similar users on other online platforms.

Compliance and protection. We may use your personal information to:

- comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas, investigations or requests from government authorities;
- protect our, your or others' rights, privacy, safety or property (including by making and defending legal claims);
- audit our internal processes for compliance with legal and contractual requirements or our internal policies;
- enforce the terms and conditions that govern the Service; and
- prevent, identify, investigate and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.

Recruitment. We may use personal information, such as information submitted to us in a job application, to facilitate our recruitment activities and process employment applications, such as by evaluating a job candidate for an employment activity, and monitoring recruitment statistics.

Cookies and similar technologies. In addition to the other uses included in this section, we may use the [Cookies and similar technologies](#) described above for the following purposes:

- **Technical operation.** To allow the technical operation of the Service, such as by remembering your selections and preferences as you navigate the site, and whether you are logged in when you visit password protected areas of the Service.
- **Functionality.** To enhance the performance and functionality of our services.
- **Advertising.** To help our third-party advertising partners collect information about how you use the Service and other online services over time, which they use to show you ads on other online services they believe will interest you and measure how the ads perform.
- **Analytics.** To help us understand user activity on the Service, including which pages are most and least visited and how visitors move around the Service, as well as user interactions with our emails. For example, we use Google Analytics for this purpose. You can learn more about Google Analytics and how to prevent the use of Google Analytics relating to your use of our sites here: <https://tools.google.com/dlpage/gaoptout?hl=en>.

How we share your personal information

We may share your personal information with the following parties and as otherwise described in this Privacy Policy, in other applicable notices, or at the time of collection.

Affiliates. Our corporate parent, subsidiaries, and affiliates.

Service providers. Third parties that provide services on our behalf or help us operate the Service or our business (such as insurance verification service providers, hosting, information technology, customer support, email delivery, marketing, consumer research and website analytics).

Advertising partners. Third-party advertising companies for the [interest-based advertising purposes](#) described above.

Third parties designated by you. We may share your personal information with third parties where you have instructed us or provided your consent to do so. For example, with insurance companies or with your physician (if you are a patient).

Professional advisors. Professional advisors, such as lawyers, auditors, bankers and insurers, where necessary in the course of the professional services that they render to us.

Authorities and others. Law enforcement, government authorities, and private parties, as we believe in good faith to be necessary or appropriate for the [Compliance and protection purposes](#) described above.

Business transferees. We may disclose personal information in the context of actual or prospective business transactions (*e.g.*, investments, financings, public stock offerings, or the sale, transfer or merger of all or part of our business, assets or shares), for example, we may need to share certain personal information with prospective counterparties and their advisers. We may also disclose your personal information to an acquirer, successor, or assignee of Heron Therapeutics as part of any merger, acquisition, sale of assets, or similar transaction, and/or in the event of an insolvency, bankruptcy, or receivership in which personal information is transferred to one or more third parties as one of our business assets.

Your choices

In this section, we describe the rights and choices available to all users. Users who are located in California, can find additional information about their rights below.

Access or update your information. If you have registered for an account with us through the Service, you may review and update certain account information by logging into the account.

Opt-out of communications. You may opt-out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email, or by [contacting us](#). Please note that if you choose to opt-out of marketing-related emails, you may continue to receive service-related and other non-marketing emails.

Cookies. Most browsers let you remove or reject cookies. To do this, follow the instructions in your browser settings. Many browsers accept cookies by default until you change your settings. Please note that if you set your browser to disable cookies, the Service may not work properly. For more information about cookies, including how to see what cookies have been set on your browser and how to manage and delete them, visit www.allaboutcookies.org. You can also configure your device to prevent images from loading to prevent web beacons from functioning

Blocking images/clear gifs: Most browsers and devices allow you to configure your device to prevent images from loading. To do this, follow the instructions in your particular browser or device settings.

Advertising choices. You may be able to limit use of your information for interest-based advertising through the following settings/options/tools:

- **Browser settings.** Changing your internet web browser settings to block third-party cookies.
- **Privacy browsers/plug-ins.** Using privacy browsers and/or ad-blocking browser plug-ins that let you block tracking technologies.
- **Platform settings.** Google and Facebook offer opt-out features that let you opt-out of use of your information for interest-based advertising. You may be able to exercise that option at the following websites:
 - Google: <https://adssettings.google.com/>
 - Facebook: <https://www.facebook.com/about/ads>
- **Ad industry tools.** Opting out of interest-based ads from companies that participate in the following industry opt-out programs:
 - Network Advertising Initiative: http://www.networkadvertising.org/managing/opt_out.asp
 - Digital Advertising Alliance: optout.aboutads.info.
 - AppChoices mobile app, available at <https://www.youradchoices.com/appchoices>, which will allow you to opt-out of interest-based ads in mobile apps served by participating members of the Digital Advertising Alliance.
- **Mobile settings.** Using your mobile device settings to limit use of the advertising ID associated with your mobile device for interest-based advertising purposes.

You will need to apply these opt-out settings on each device and browser from which you wish to limit the use of your information for interest-based advertising purposes.

We cannot offer any assurances as to whether the companies we work with participate in the opt-out programs described above.

Do Not Track. Some Internet browsers may be configured to send “Do Not Track” signals to the online services that you visit. We currently do not respond to “Do Not Track” or similar signals except where we expressly indicate otherwise. To find out more about “Do Not Track,” please visit <http://www.allaboutdnt.com>.

Declining to provide information. We need to collect personal information to provide certain services. If you do not provide the information we identify as required or mandatory, we may not be able to provide those services.

Delete your content or close your account. You can choose to delete certain content through your account. If you wish to request to close your account, please [contact us](#).

Other sites and services

The Service may contain links to websites, mobile applications, and other online services operated by third parties. In addition, our content may be integrated into web pages or other online services that are not associated with us. These links and integrations are not an endorsement of, or representation that we are affiliated with, any third party. We do not control websites, mobile applications or online services operated by third parties, and we are not responsible for their actions. We encourage you to

read the privacy policies of the other websites, mobile applications and online services you use.

Security

We employ a number of technical, organizational and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies, and we cannot guarantee the security of your personal information.

International data transfer

We are headquartered in the United States and may use service providers that operate in other countries. Your personal information may be transferred to the United States or other locations where privacy laws may not be as protective as those in your state, province, or country.

Children

The Service is not intended for use by anyone under 18 years of age. If you are a parent or guardian of a child from whom you believe we have collected personal information in a manner prohibited by law, please [contact us](#). If we learn that we have collected personal information through the Service from a child without the consent of the child's parent or guardian as required by law, we will comply with applicable legal requirements to delete the information.

Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service or other appropriate means. Any modifications to this Privacy Policy will be effective upon our posting the modified version (or as otherwise indicated at the time of posting). In all cases, your use of the Service after the effective date of any modified Privacy Policy indicates your acknowledging that the modified Privacy Policy applies to your interactions with the Service and our business.

How to contact us

- **Email:** privacy@herontx.com
- **Mail:** 4242 Campus Point Court, Suite 200
San Diego, CA 92121
- **Phone:** 844-HERON11 (844-437-6611)

Notice to California residents

This notice describes our collection, use and disclosure of personal information of California residents in our capacity as a "business" under the California Consumer Privacy Act ("CCPA") and their rights with respect to their personal information. For purposes of this notice, "personal information" has the meaning given in the CCPA but does not include information exempted from the scope of the CCPA.

Your privacy rights. As a California resident, you have the following rights under the CCPA:

- **Right to know.** You can request information about 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, sharing and/or selling personal information; the categories of any personal information that we sold or disclosed for a business purpose; and the

categories of any third parties with whom personal information was sold, shared or disclosed for a business purpose.

- **Right to access.** You can request a copy of certain personal information that we have collected about you.
- **Right to deletion.** You can request that we delete personal information that we collected from you.
- **Right to correction.** You can request that we correct inaccurate personal information that we have collected about you.
- **Opt-out of sales or sharing.** You can opt-out of any sale of your personal information or any “sharing” of your personal information for cross-context behavioral advertising.
- **Opt-in.** If we know that you are 13-15 years of age, we will ask for your affirmative authorization to sell your Personal Information before we do so.
- **Nondiscrimination.** You are entitled to exercise the rights described above free from discrimination as prohibited by the CCPA.

How to exercise your rights. You may submit requests to exercise your right to know, access, deletion and correction using the following link <https://www.herontx.com/opt-out-form/> or via email to privacy@herontx.com. The rights described above are not absolute, and in certain cases, we may decline your request as permitted by law. We cannot process your request if you do not provide us with sufficient detail to allow us to understand and respond to it.

Verification of identity. We may need to verify your identity in order to process your information/know, access, correction, or deletion requests and reserve the right to confirm your residency. To verify your identity, we may require government identification, a declaration under penalty of perjury, authentication into your Service account, personal identifiers we can match against information we may have collected from you previously, confirmation of your request using the email or telephone account stated in the request, or other information, where permitted by law.

Authorized agents. Your authorized agent may be able to make a request on your behalf. However, we may need to verify your authorized agent’s identity and authority to act on your behalf. We may require a copy of a valid power of attorney given to your authorized agent pursuant to applicable law. If you have not provided your agent with such a power of attorney, we may ask you to take additional steps permitted by law to verify that your request is authorized, such as by providing your agent with written and signed permission to exercise your rights on your behalf, the information we request to verify your identity, and confirmation that you have given the authorized agent permission to submit the request.

Information practices. The following describes our practices currently and during the past 12 months:

- **Sources and purposes.** We collect all categories of personal information from [the sources](#) and use them for the business/commercial [purposes](#) described above in the Privacy Policy.
- **Sales and sharing of personal information.** We do not “sell” personal information as such term is defined in the CCPA and have no actual knowledge that we have sold or shared the personal information of California residents under 16 years of age. Like many companies, we use services that help deliver interest-based ads to you. Our use of some of these services may be classified under California law as “sharing” your Personal Information with the advertising partners that provide the services because they use personal information from our users (e.g., device information and technical usage information) to provide cross-context behavioral advertising. You can request to opt-out of this “sharing” of your personal information here: **Do Not Share My Personal Information**.

- **Sensitive personal information.** We do not use or disclose sensitive personal information for purposes that California residents have a right to limit under the CCPA.
- **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.
- **Deidentification.** 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.
- **Collection and disclosure.** The chart below describes the personal information we collect by reference to the categories of personal information specified in the CCPA (Cal. Civ. Code §1798.140), and the categories of third parties to whom we disclose it. The terms in the chart refer to the categories of information and third parties described above in this Privacy Policy in more detail. Information you voluntarily provide to us, such as in free-form webforms, may contain other categories of personal information not described below. We may also disclose personal information to professional advisors, authorities and others, and business transferees as described above in the [How we share your personal information](#) section of this Privacy Policy.

Personal information we collect	CCPA statutory category	Categories of third parties to whom we disclose the personal information for a business purpose	Categories of third parties to whom we “share” personal information
• Contact data	<ul style="list-style-type: none"> • Identifiers • California customer records 	<ul style="list-style-type: none"> • Affiliates • Service providers • Payment processors • Advertising partners • Third parties designated by you 	<ul style="list-style-type: none"> • Advertising partners (to facilitate online advertising)
• Product data	<ul style="list-style-type: none"> • Identifiers • Commercial information • California customer records • Medical information • Protected classification characteristics • Sensitive personal information 	<ul style="list-style-type: none"> • Affiliates • Service providers • Third parties designated by you 	<ul style="list-style-type: none"> • None
• Demographic data	<ul style="list-style-type: none"> • Identifiers • California customer records 	<ul style="list-style-type: none"> • Affiliates • Service providers • Third parties designated by you 	<ul style="list-style-type: none"> • None
• Profile data	<ul style="list-style-type: none"> • Identifiers • California customer records 	<ul style="list-style-type: none"> • Affiliates • Service providers • Third parties designated by you 	<ul style="list-style-type: none"> • None
• Communications data	<ul style="list-style-type: none"> • Identifiers • California customer records • Internet or Network Information 	<ul style="list-style-type: none"> • Affiliates • Service providers • Third parties designated by you 	<ul style="list-style-type: none"> • None

<ul style="list-style-type: none"> • Device data 	<ul style="list-style-type: none"> • Identifiers • Internet or Network Information 	<ul style="list-style-type: none"> • Affiliates • Service providers • Advertising partners 	<ul style="list-style-type: none"> • Advertising partners (to facilitate online advertising)
<ul style="list-style-type: none"> • Online activity data 	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or Network Information 	<ul style="list-style-type: none"> • Affiliates • Service providers • Advertising partners 	<ul style="list-style-type: none"> • Advertising partners (to facilitate online advertising)
<ul style="list-style-type: none"> • Communication interaction data 	<ul style="list-style-type: none"> • Identifiers • Commercial information • Internet or Network Information 	<ul style="list-style-type: none"> • Affiliates • Service providers • Advertising partners 	<ul style="list-style-type: none"> • Advertising partners (to facilitate online advertising)
<ul style="list-style-type: none"> • Payment information 	<ul style="list-style-type: none"> • Identifiers • Commercial information • Financial information • California customer records 	<ul style="list-style-type: none"> • Affiliates • Service providers • Payment processors 	<ul style="list-style-type: none"> • None
<ul style="list-style-type: none"> • Marketing data 	<ul style="list-style-type: none"> • Identifiers • Commercial information • California customer records • Internet or Network Information 	<ul style="list-style-type: none"> • Affiliates • Service providers • Advertising partners 	<ul style="list-style-type: none"> • Advertising partners (to facilitate online advertising)
<ul style="list-style-type: none"> • Survey data 	<ul style="list-style-type: none"> • Identifiers • Commercial information • California customer records 	<ul style="list-style-type: none"> • Affiliates • Service providers • Third parties designated by you 	<ul style="list-style-type: none"> • None
<ul style="list-style-type: none"> • Job application data 	<ul style="list-style-type: none"> • Identifiers • Education information • Professional or employment information • California customer records • Sensitive personal information 	<ul style="list-style-type: none"> • Affiliates • Service providers 	<ul style="list-style-type: none"> • None
<ul style="list-style-type: none"> • Data derived from above 	<ul style="list-style-type: none"> • Inferences 	<ul style="list-style-type: none"> • Affiliates • Service providers • Advertising partners • Third parties designated by you 	<ul style="list-style-type: none"> • Advertising partners (to facilitate online advertising)