

## Biometric Data Policy and Notice

### Purpose

Xeris Pharmaceuticals, Inc. (and its affiliates, collectively “Xeris” or the “Company”) has adopted this Biometric Data Policy and Notice (this "Policy") to establish the Company's practices for the collection, use, storage, disclosure, and destruction of biometric identifiers and biometric information.<sup>1</sup> Protecting the confidentiality and integrity of Biometric Data is a critical responsibility of Xeris and the Company is committed to protecting the privacy and security of biometric information belonging to members of its board of directors, employees, contractors, consultants, interns, volunteers, and any other individuals whose biometric data the Company may collect. Compliance with this Policy is mandatory. Participation in any program or activity that involves collecting biometric data is contingent on voluntary written consent. Individuals may decline to provide biometric data.

### Scope

This Policy applies to all Company employees, agents, and representatives, including any contractor, vendor, or third-party service provider to the Company who have access to Biometric Data on behalf of the Company. This Policy applies to all Biometric Data collected, maintained, transmitted, stored, retained, or otherwise used by the Company regardless of the media on which that information is stored and whether relating to all (1) employees of Xeris, including but not limited to those who work or reside in the State of Illinois, (2) contractors, consultants, interns, volunteers, and temporary workers performing services on behalf of the Company, (3) individuals participating in any Company-sponsored studies, evaluations, or programs, and (4) any other individual from whom Xeris collects biometric data.

### Definitions

**"Biometric Data"** means collectively all Biometric Identifiers and Biometric Information.

**"Biometric Identifiers"** means:

- Retina or iris scans
- Fingerprints
- Voiceprints
- Scans of hand or face geometry

**Biometric Identifiers** *do not* include:

- Writing samples and written signatures
- Photographs
- Human biological samples used for valid scientific testing or screening
- Demographic data

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<sup>1</sup> This Policy is intended to comply with the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 et seq. ("BIPA"), and any other applicable laws or regulations related to this subject matter. To the extent this Policy does not meet the requirements of any enforceable Federal, State or Local laws or regulations, the Company will apply the requirements pursuant to applicable law.

- Tattoo descriptions
- Physical descriptions, such as height, weight, hair color, or eye color
- Information captured from a patient in a healthcare setting
- Information collected, used, or stored for healthcare treatment, payment, or operations under the Health Insurance Portability and Accountability Act (HIPAA)
- Donated organs, tissues, or parts as defined by the Illinois Anatomical Gift Act or blood or serum stored in connection with organ transplants
- Biological materials regulated under the federal Genetic Information Privacy Act

**"Biometric Information"** means information, regardless of how it is captured, converted, stored, or shared, that is based on a Biometric Identifier. Biometric Data does not include information derived from items or procedures excluded under the definition of Biometric Identifiers.

### **Retention Schedule**

In circumstances where the Company retains Biometric Data, the Company retains Biometric Data only for as long as necessary to fulfill the purposes for which the data was collected, and in no event no longer than three years from date of collection, whichever is sooner. Biometric Data will not be retained beyond the applicable retention period under any circumstances, including litigation holds, except where required by a valid court order or other binding legal obligation. In such cases, the Company's Legal Department must be notified immediately and will manage the hold in compliance with applicable law. Xeris will permanently destroy an individual's Biometric Data within one year of satisfying the initial purpose for collecting or obtaining such Biometric Data.

### **Biometric Data Collection**

Company and its partners and providers may collect, store, and/or use Biometric Data for legitimate business purposes, including but not limited to, for use to access Company-provided devices or Company systems for authentication of identity, time and attendance tracking systems where deployed, GPS-related tracking systems where deployed, and research and usability evaluations or studies that may involve video recording or live streaming that incidentally captures facial geometry. Before collecting Biometric Data from any individual, the Company will obtain the individual's written consent to the collection.

### **Biometric Data Security**

Xeris and its agents shall use a reasonable standard of care to store, transmit and protect from disclosure any Biometric Data collected.

### **Biometric Data Destruction**

Biometric data will be scheduled for destruction upon occurrence of any of the following triggering events: (1) the individual's employment, engagement, or contract with the Company terminates (subject to applicable retention period above); (2) the purpose for which Biometric Data was collected has been fully satisfied; the retention period specified in the Retention Schedule section above is reached; and/or (3) the individual submits a valid written request for deletion. Individuals may submit a written request for deletion of their Biometric Data prior to the end of the scheduled retention period. The Company will evaluate deletion requests and

respond within 30 days. Deletion may be declined where retention is required by law or a binding legal obligation. Where deletion is approved, it will be completed and confirmed in writing within 60 days of the request.

### **Disclosures**

Subject to individual written consent, an individual's Biometric Data may be disclosed to the Company's third-party vendors and/or licensees to facilitate the provision of or use of business-related systems, equipment, activities or programs.

The Company prohibits any further disclosure or re-disclosure of Biometric Data unless: (1) the individual or the individual's legally authorized representative consents to the disclosure; the disclosure is required by applicable law or regulation; or (2) the disclosure is required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction. Xeris does not and will not sell, lease, trade, or otherwise profit from Biometric Data.

### **Biometric Privacy Requests or Questions**

Any requests or questions related to an individual's Biometric Data should be directed to [privacy@xerispharma.com](mailto:privacy@xerispharma.com)

This policy is publicly available at <https://www.xerispharma.com/Biometric-Policy>

Last Updated June 25, 2026