

# DYNAVAX TECHNOLOGIES CORPORATION

## California Comprehensive Compliance Program

### Introduction and Scope

Dynavax Technologies Corporation (“Dynavax”) has developed a Comprehensive Compliance Program (“Compliance Program”), as required by the California Health & Safety Code §§ 119400-119402. This Compliance Program also comports with the Compliance Program Guidance for Pharmaceutical Manufacturers published by the U.S. Department of Health and Human Services Office of Inspector General (“OIG Guidance”), and includes policies consistent with the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interactions with Health Care Professionals (“PhRMA Code”).

Dynavax is committed to doing business in accordance with the highest standards of business conduct and ethics. In accordance with this commitment, Dynavax has established and abides by the Compliance Program. The Compliance Program is a dynamic program that provides a flexible framework for adapting to the changing environment in which Dynavax operates. It is continually evaluated to ensure that it functions as intended, serves the purposes for which it has been designed, and enables Dynavax to meet its high standards and commitment to ethical and compliant conduct.

### Compliance Program Components

The Compliance Program encompasses the following components:

- 1) **Chief Ethics and Compliance Officer.** Dynavax has appointed a Chief Ethics and Compliance Officer (“CECO”) to design, implement and oversee the Compliance Program. The CECO reports to the Chief Executive Officer (“CEO”), has direct access to the Board of Directors (the “Board”), and regularly informs the CEO, the Board, and the Executive Compliance Committee on the Compliance Program and any significant compliance risks, concerns, issues or violations that may come to the attention of the CECO.
- 2) **Executive Compliance Committee.** The Executive Compliance Committee advises and assists the CECO in the implementation and effective operation of the Compliance Program.
- 3) **Code of Business Conduct and Ethics, Policies and Procedures.** Dynavax has developed and implemented a written Code of Business Conduct and Ethics (“Code”) that effectively sets forth Dynavax’s compliance obligations, including compliance with all applicable laws and regulations. In addition, Dynavax has developed, and will continue to develop, policies and procedures that capture Dynavax’s commitment to compliance, effectively address Dynavax’s compliance obligations, provide clarity in terms of how to conduct a given activity in a compliant manner, and account for specific areas of risk relevant to pharmaceutical companies. Compliance with the Code and all applicable policies and procedures is a condition of employment and an element in evaluating the performance of all Dynavax employees.
- 4) **Education and Training.** Dynavax has developed and delivered, and will continue to develop and deliver, regular and effective compliance education and training programs for all

Dynavax personnel, including the Board. Compliance education and training at Dynavax is and will be targeted where necessary, by function and topic to maximize its effectiveness.

- 5) **Lines of Communication.** Dynavax has a disclosure program which encourages all Dynavax personnel to engage in an open, frank and productive compliance dialogue and has developed, and will continue to develop, vehicles and mechanisms for promoting this dialogue. The disclosure program includes a reporting mechanism (*e.g.*, a toll-free hotline) through which Dynavax personnel are able to make anonymous compliance inquiries or anonymously report compliance concerns or potential compliance violations. The disclosure program is publicized and conducted in a manner that emphasizes a strict non-retribution and non-retaliation policy.
- 6) **Monitoring and Auditing.** Dynavax's Compliance Program includes regular monitoring and auditing of compliance risk areas, in addition to conducting periodic compliance risk assessments of relevant functional areas of the Company. Monitoring and auditing activities are calibrated based on the periodic risk assessments, specific company activities, and ongoing evaluation of internal and external risk areas for the Company.
- 7) **Investigation and Enforcement.** Dynavax promptly responds to alleged compliance violations by conducting a thorough investigation of the alleged violation, taking appropriate disciplinary action for established violations and identifying potential preventative measures to help prevent the recurrence of similar violations. Corrective actions considered by Dynavax include:
  - a) addressing any gaps in policies, practices, training or understanding that may have contributed to a violation;
  - b) imposing a range of disciplinary measures, up to and including termination from employment and contract termination; and
  - c) reporting the violation to the appropriate government authorities when warranted.
- 8) **Spending Limits.** For purposes of complying with the California Health and Safety Code § 119402, Dynavax has established a maximum annual limit of \$2,000 on meals, promotional materials, gifts or other items that Dynavax may give or otherwise provide to an individual California "medical or health care professional" (as defined under California law).

## **Declaration of Compliance**

To the best of our knowledge and based on our good faith understanding of the statutory requirements, we declare that Dynavax is in material compliance with its Compliance Program, as well as the requirements of the California Health & Safety Code §§ 119400-119402, as of January 1, 2018. Dynavax is committed to assessing ongoing compliance with its Compliance Program, which is designed to prevent, detect and address potential and actual non-compliance with applicable laws, regulations and the Program itself.

Copies of this Declaration and the Compliance Program are available by contacting us at 1-877-848-5100 or emailing us at [compliance@dynavax.com](mailto:compliance@dynavax.com).