

# WELLSMITH – PRIVACY POLICY

Your privacy is important to us. Please review this Privacy Policy carefully. This Privacy Policy describes the policies and procedures of Wellsmith, Inc. (“**Wellsmith**”, “**we**”, “**our**”, or “**us**”) on the collection, use, and disclosure of your information when you access and use the mobile application (the “**Wellsmith App**”) that is owned or otherwise provided by us, our website (“**Site**”) or any of the products, services, features or content enabled by the Wellsmith App or the Site (collectively, the “**Services**”). The Wellsmith App is designed to assist users, including patients and their healthcare providers, with monitoring patient progress with care plans using data collected by patient monitoring devices. Throughout this Privacy Policy, “**you**” or “**your**” refers to the end user of the Wellsmith App, Site and/or Services.

## Your Consent to this Privacy Policy

BY DOWNLOADING, ACCESSING, OR USING THE WELLSMITH APP, SITE OR SERVICES, AND/OR BY REGISTERING WITH US OR PROVIDING INFORMATION TO US IN CONNECTION WITH THE WELLSMITH APP, SITE OR SERVICES, YOU ACCEPT THE PRACTICES AND POLICIES OUTLINED IN THIS PRIVACY POLICY, AND YOU HEREBY CONSENT THAT WE WILL COLLECT, USE, AND SHARE YOUR INFORMATION AS SET FORTH IN THIS PRIVACY POLICY. IF YOU ARE REGISTERING AN ACCOUNT OR USING THE SERVICES ON BEHALF OF AN INDIVIDUAL OR ENTITY OTHER THAN YOURSELF, YOU REPRESENT THAT YOU ARE AUTHORIZED BY SUCH INDIVIDUAL OR ENTITY TO ACCEPT THIS PRIVACY POLICY ON SUCH INDIVIDUAL'S OR ENTITY'S BEHALF.

Your use of the Wellsmith App, Site or Services is also subject to our Terms of Service, which are available at: [www.wellsmith.com](http://www.wellsmith.com).

## Updates to this Policy

This is our entire and exclusive Privacy Policy and it supersedes any earlier version. We may change this Privacy Policy, and it is your responsibility to review this Privacy Policy periodically. When we do change the policy, you may be notified via the Wellsmith App, Site or Services. Your continued use

of the Wellsmith App, Site or Services constitutes your agreement to this Privacy Policy and any future updates.

This Privacy Policy was last updated on March 6, 2020.

## What Information Do We Collect?

### Protected Health Information

If you are a patient that has elected to access and use Wellsmith App, Site or Services, we may collect your Protected Health Information. For purposes of this Privacy Policy, “**Protected Health Information**” means individually identifiable health information held or transmitted, in any form or media, whether electronic, paper, or oral, that relates to an individual’s past, present or future physical or mental health or condition, the provision of healthcare to the individual, or the past present, or future payment for the provision of healthcare to the individual. Protected Health Information includes information related to your physical or mental health, including your medical history, family history, health background and current health status information, age information, demographic information, and information related to the diagnosis and treatment of health conditions, prescription medications, laboratory test results, and health insurance information.

### Personal Information

When you use the Wellsmith App, Site or Services, we may collect certain personal information, such as your first and last name, age information, address, email address, mobile phone number, or other demographic information (“**Personal Information**”). If you are a patient, you acknowledge that we may collect this Personal Information (including Protected Health Information) from you directly, through your healthcare provider, your health insurance provider or your employer. We may ask you or your healthcare provider or your health insurance provider to provide Personal Information (including Protected Health Information) about you that will enable us to provide, and to enhance your use of, the Wellsmith App, Site or Services. It is your choice whether or not to provide that Personal Information (including Protected Health Information) through the Wellsmith

App, Site or Services. If you, as a patient, designate a healthcare provider or a health insurance provider, the healthcare provider or a health insurance provider may elect to provide your Personal Information (including Protected Health Information) to us on your behalf. In such case, the healthcare provider or health insurance provider will be solely responsible for obtaining your consent to provide such Personal Information (including Protected Health Information). If you choose not to provide the requested Personal Information (including Protected Health Information), you may not be able to use features of the Wellsmith App, Site or Services.

## Location-Based Information

You also acknowledge and agree that we may collect location-based data from you (“**Location-Based Information**”). When you use the Wellsmith App, Site or Services, we may collect Location-Based Information from your browser or mobile device. To the extent we track your location through, it is only to administer the functionality of the Wellsmith App, Site or Services.

## Technical Information

We may collect and use technical data and related information (“**Technical Information**”), including but not limited to technical information about your device, system and application software, peripherals, and your interactions with the Wellsmith App, Site or Services. Technical Information is gathered to facilitate the provisioning of software updates, product support, product enhancements, and other services to you related to the Wellsmith App, Site or Services. We may also receive and record information on our server logs from your browser or mobile device, which could include your IP address, cookie information, browser information, and the page or screen you request. This information will not be used in a way that associates such information with you. We own this information and may use it in an aggregated manner.

## Cookies and Similar Technologies

We use cookies and/or other similar technologies to collect visitor information. Cookies, for example, are alphanumeric identifiers that we transfer to your computer's hard drive through your web browser. They

make it possible for us to recognize your browser when you visit and provide you with information. It is possible to prevent cookies from being used in your browser by turning the feature off, but in order to enjoy the benefits of being a registered user, your browser must be set to accept cookies.

## How Do We Use The Information Collected?

Protected Health Information, Personal Information, Location-Based Information and Technical Information (collectively, “**Information**”) that you provide or that we collect will be kept confidential and will be used to provide, support and enhance your use of the Wellsmith App, Site or Services. Except as required by law, as between you and Wellsmith, you own all right, title and interest in and to any Information (excluding Technical Information, information obtained through 3<sup>rd</sup> party data services and anonymized, aggregated data) that we collect from you via your use of and interaction with the Wellsmith App, Site or Services.

## Disclosure of Information to Third Parties

The Wellsmith App is designed to facilitate the flow of Information (including Protected Health Information) between patients and their healthcare providers and health insurance providers. Accordingly, we share your Information (including Protected Health Information) with your healthcare providers and health insurance providers in the ordinary course of your use of the Wellsmith App and Services.

We may also share your Information with service providers (which may include affiliated companies, businesses, or persons) for the purpose of providing the Wellsmith App, Site or Services, and for our other purposes described in this Privacy Policy. We limit the Information shared (excluding Technical Information, information obtained through 3<sup>rd</sup> party data services and anonymized, aggregated data) with these third parties that which is necessary to provide the Wellsmith App, Site or Services.

We may also disclose your Information under the following circumstances:

- If we respond to subpoenas, court orders or legal process, or if we need to establish or exercise our legal rights or defend against legal claims.
- If we believe it is necessary to share information in order to investigate, prevent or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of our Terms of Service or as otherwise required by law.
- If we believe it is necessary to restrict or inhibit any user from using the Wellsmith App, Site or Services, including, without limitation, by means of "hacking" or defacing any portion thereof.

## Information You Elect to Share With Others

You acknowledge and agree that we are not responsible for any information you share with your healthcare provider or insurance provider through any of the functionality offered by the Wellsmith App, Site or Services. However, this information is limited to you, your healthcare provider or insurance provider, and other professionals they may choose to share it with within their organization or as afforded by HIPAA.

Please consider that whenever you voluntarily disclose Information on public forums or through email or group messaging, or voluntarily utilize features of the Wellsmith App, Site or Services that inherently share Information (such as features that allow a patient to share Information with a healthcare provider or insurance provider or that allow a patient or healthcare provider or insurance provider to share a patient's Information with a third party application or service provider), that Information can be collected and used by others. By posting Information to publicly accessible online platforms, you may receive unsolicited interactions from other parties in return or inadvertently make others aware of your Information as described in this Privacy Policy. We are not responsible for the security or privacy of any Information you choose to submit in connection with such public platforms.

## Information Collected via Surveys

Occasionally, we may ask you to participate in surveys designed to help us improve the Wellsmith App, Site or Services. Any Information provided to us in connection with any such survey will be used only in relation to that survey and as set forth in this Privacy Policy.

## Third-Party Analytics

We may also allow third-parties to provide us with analytics about your use of our Wellsmith App, Site and Services. The third-party analytics services may use cookies, web beacons and other technologies to collect information about your use of our Wellsmith App, Site and Services, including your IP address, web browser, pages viewed, time spent on pages, and links clicked. This information is provided to us on an aggregated, non-personally identifiable basis, and may be used to, among other things, analyze and track data and better understand the activities of our end users.

## Is Information About Me Secure?

We maintain electronic and procedural safeguards designed to protect the Information. These safeguards include encrypting all electronic Protected Health Information that is communicated or accessed using the Wellsmith App or the Site. However, we cannot guarantee that personally identifiable information in our possession will never be disclosed in a matter than is inconsistent with this Privacy Policy. Unauthorized entry or use, hardware or software failure, and other factors may compromise the security of Information at any time. Consequently, we cannot ensure or warrant the security of the Information and you acknowledge and agree that you transmit it to us at your own risk.

## Maintaining the Confidentiality of your Login Username and Password

You are responsible for maintaining the security of your login username and password. If you believe that your login username or password have been compromised, you should immediately [contact us](#). We are not responsible if someone else accesses the Wellsmith App, Site or Services with your account through registration information that they have obtained

from you or through a violation by you of this Privacy Policy or the Terms of Service.

## Health Insurance Portability and Accountability Act of 1996

We may use and/or disclose your Protected Health Information in the same manner as Personal Information, except our use and disclosure of Health Protected Health Information is further limited as provided by the Health Insurance Portability and Accountability Act of 1996 (“**HIPAA**”).

Each of our customers are considered to be “covered entities” or “business associates,” as those terms are defined by HIPAA, and we perform certain functions or engage in certain activities that involve the use or disclosure of Protected Health Information on their behalf. Therefore, we serve as a business associate to each of our customers. We enter into business associate agreements with each of our customers. Further, to the extent required by HIPAA, we also enter into business associate agreements with our subcontractors and service providers that perform services on our behalf involving the use or disclosure of Protected Health Information. We will use and disclose Protected Health Information only for those uses and disclosures permitted by HIPAA and under our applicable business associate agreements with our customers.

Our customers may also have their own privacy practices or policies that govern their use of your Protected Health Information. We are not responsible for how our customers treat the Protected Health Information we collect on their behalf, and we recommend that you review their own practices or policies.

## Other Matters

### International Transfers

Information collected from you may be stored and processed in the United States or any other country in which we or our affiliates, subsidiaries, agents, or contracts maintain facilities. If you are accessing the Wellsmith

App, Site or Services from any other regions outside of the United States with law governing data collection and use, please note that you are agreeing to the transfer of your data to the United States and processing globally. By providing your Information, you consent to any transfer and processing in accordance with this Privacy Policy.

## California's "Do Not Track" Notice:

"Do Not Track" ("**DNT**") is a preference you can set in your web browser to let the sites you visit know that you do not want them collecting information about you. Our sites do not currently respond to "Do Not Track" settings. For further details regarding DNT, visit [donottrack.us](http://donottrack.us).

## Age

You must be at least 18 years old to register and use the Wellsmith App. Unless expressly authorized in writing by a child's parent or guardian, we do not knowingly or intentionally collect any Personal Information or Protected Health Information from any person under the age of 18. If you believe that we may have collected Personal Information or Protected Health Information from someone under the age of 18 without the consent of the child's parent or guardian, please [contact us](#) so that we can take steps to delete the information as soon as possible.

## Third Party Websites

Our Wellsmith App, Site and Services may contain links to other websites. Our Privacy Policy only applies to our Wellsmith App, Site and Services, and we are not responsible for the privacy practices or the content of other websites which are linked to or integrated with our Wellsmith App, Site and Services. You should check the privacy policies of those sites before providing your personal information to them. See our Terms of Service for additional information.

## Contact Us

For questions or comments regarding this Privacy Policy, please [contact us](#).