

## **PRIVACY POLICY**

**Effective date:** September 11, 2024

This Privacy Policy for Filial Health, Inc ("we," "us," or "our"), describes how and why we might collect, store, use, and/or share ("process") your information when you use our services ("Services"). This Privacy Policy applies to the Filial Health's Electronic Medical Records Software (hereinafter, the "Software"), Patient Portal Software, our website, [www.filialhealth.com](http://www.filialhealth.com), and other Filial Health-related sites, applications, software, communications, and services ("Services").

Please review our privacy practices and let us know if you have any questions. By using the Services, you accept and are in agreement of this Privacy Policy. If you do not agree to this Privacy Policy, please do not use our Services.

If you have any questions or comments about this Privacy Policy, please submit a request to [info@filialhealth.com](mailto:info@filialhealth.com).

### **1. WHEN THIS PRIVACY POLICY APPLIES**

Our Privacy Policy applies to all of the Services offered by Filial Health, and Services offered on other sites, but excludes services that have separate privacy policies that do not incorporate this Privacy Policy.

Our Privacy Policy does not apply to services offered by other companies or individuals, including products or sites that may be displayed to you, or other sites linked from our Services.

### **2. TERMS AND CONDITIONS**

By accessing or using the Services in any manner, you also agree to be bound by Filial Health's Terms and Conditions (the "Agreement"). Please read the Agreement carefully. If you do not accept all of the terms and conditions contained in or incorporated by reference into the Agreement, please do not use the Services.

### **3. INFORMATION WE COLLECT**

We collect information, including personal data, to provide services to our Users. We use the term "Personal Data" to refer to any information that identifies or can be used to identify Patients and Users. Common examples of Personal Data include: full name, email address, digital identity, such as a login name or handle, information about your device, and certain metadata.

"Sensitive Personal Data" refers to a smaller subset of Personal Data which is considered more sensitive to the individual, such as race and ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic or biometric information, physical or mental health information, medical insurance data, or sexual orientation.

We collect Personal Data and Sensitive Personal Data from Users in the following ways:

### **3.1 Information you provide**

We collect information that you submit when visiting the Site including registration information (your information, including name, email or postal address, telephone number and user name and password), contact information if you contact us by email or by calling customer service with an inquiry (name, email address, telephone number), and information you provide when you chat with us or post a comment or question on the Site. When using the Site, you may choose to upload information about your health and or medical history. You are not obliged to provide us with any Personal Information but if you do not provide us with certain information, we cannot complete your account registration and you may be unable to access our complete products and services. The Site may permit you to submit information about other people. If you submit any information relating to other people to us or to our service providers in connection with the Site, you represent that you have the authority to do so, have provided a copy of this Privacy Policy to the relevant individual, and that they permit us to use the information in accordance with this Privacy Policy.

### **3.2 Information we collect from other sources**

We may also collect information about individuals from other sources, including, for example, anonymous information (which does not reveal any personal information) we collect from partners which we compile in order to provide our services. We may also collect information from your guest users (people who you have permitted to access your account).

We may use third-party service providers to assist in operating our business. We endeavor to contractually obligate our service providers to maintain the confidentiality of information they receive and process and to prohibit them from using the information for their own commercial purposes.

### **3.3 Automatically collected information**

Device and usage data we process. We use common information-gathering tools, such as log files, cookies, web beacons and similar technologies to automatically collect information, which may contain Personal Information, from your computer or mobile device as you navigate our Site or interact with emails that we have sent you.

Log Files. As is true of most websites, we gather certain information automatically via log files. This collected information may include your IP address (or proxy server), device and application identification numbers, your general location, your browser type, your Internet service provider and/or mobile carrier, the pages and files you viewed, your searches, your operating system and system configuration information, and date/time stamps associated with your usage. This information is used to analyze overall trends, to help us provide and improve our Sites and to guarantee their security and continued proper functioning. We also collect IP addresses from users when they log into any "account" sections of the Site as part of our security features.

Site use information. Our web servers may collect information including the IP address of visitors to the Site, browser type and version, time zone setting, browser plug-in types and versions, operating system, and platform.

### **3.4 Health and Other Special Categories of Personal Data**

Under a federal law called the Health Insurance Portability and Accountability Act (“HIPAA”), some demographic, health and/or health-related information that Filial Health collects as part of providing the Services may be considered “protected health information” or “PHI.” HIPAA provides specific protections for the privacy and security of PHI and restricts how PHI is used and disclosed. Filial Health handles all PHI in strict accordance with applicable laws and regulations. In addition, Filial Health Partners shall be contractually bound to protect PHI to the same degree as set forth in this Privacy Policy. All Protected Health Information that Filial Health processes is used and disclosed by us as a Business Associate (as defined by HIPAA) according to the terms of a Business Associate Agreement between us and that healthcare provider. Filial Health Partners, to the extent they are bound by HIPAA, are also required to describe their privacy practices.

### **3.5 Cookies and Similar Technologies**

We use cookies and similar technology to collect aggregate (non-personal) information about Site usage by all of our visitors and to help us remember you and your preferences when you revisit the Site. These cookies may stay on your browser into the future until they expire or you delete them. We also use technology to facilitate the operation of the Site. These cookies usually are erased when you close your browser window. Further general information about cookies and how they work is available at [www.allaboutcookies.org](http://www.allaboutcookies.org).

We may allow selected third parties to place cookies through the Site to provide us with better insights into the use of the Site or user demographics or to provide relevant advertising to you. These third parties may collect information about a consumer’s online activities over time and across different websites when he or she uses our website. We may also permit third party service providers to place cookies through our Site to perform analytic or marketing functions where you are notified of them and you have consented to the usage. We do not control the use of such third party cookies or the resulting information and we are not responsible for any actions or policies of such third parties.

## **4. HOW WE USE INFORMATION WE COLLECT**

We use your Personal Data in ways that are compatible with the purposes for which it was collected or authorized by Users and Patients, including for the following purposes:

To facilitate account creation and authentication and otherwise manage user accounts. We may process your information so you can create and log in to your account, as well as keep your account in working order.

To deliver and facilitate delivery of Services to the User. We may process Personal Data to provide Users with the requested service.

To respond to user inquiries/offer support to users. We may process your information to respond to your inquiries and solve any potential issues you might have with the requested service.

To send administrative information to you. We may process your information to send you details about our products and services, changes to our terms and policies, and other similar information.

To enable user-to-user communications. We may process your information if you choose to use any of our Services that allow for communication with another User.

To comply with our legal obligations. We may process your information to comply with our legal obligations, respond to legal requests, and exercise, establish, or defend our legal rights.

To present, operate or improve the Site and Services, including analysis of Site activity;

To inform you about Services and updates regarding the Services from Filial Health;

To authorize access to our Sites and Services;

To provide, maintain, administer or expand the Services, performing business analyses, or for other internal purposes to support, improve or enhance our business, the Services, and other products and services we offer;

To offer and administer programs;

To personalize the Services to your needs;

To customize or tailor your experience of the Services, which may include sending customized messages;

To communicate about, and administer your participation in, special programs, surveys, online campaigns and programs, and other offers or promotions, and to deliver pertinent emails;

To secure our Services, including to authenticate Users;

To use statistical information that we collect in any way permitted by law, including from third parties;

To respond to and support Users regarding their use of the Sites and Services;

To comply with all applicable legal requirements;

To enforce our Terms and Conditions and other agreements;

To perform data analysis and testing;

To investigate possible fraud or other violations of our Terms of Use or this Privacy Policy and/or attempts to harm our Users;

To resolve disputes;

To otherwise fulfill the purpose for which the information was provided.

We use the information we collect from our Sites to provide, maintain, and improve them, to develop new services, and to protect our company and our Users.

We use information collected from cookies and other technologies, to improve User experience and the overall quality of our Services. We may use Personal Data to see which web pages you visit at our Site, which website you visited before coming to our Site, and where you go after you leave our Site. We can then develop statistics that help us understand how our visitors use our Site and how to improve it. We may also use the information we obtain about you in other ways for which we provide specific notice at the time of collection.

We will ask for your consent before using information for a purpose other than those set out in this Privacy Policy.

## **5. SALE OF PERSONAL INFORMATION**

We have not sold and do not sell any Personal Information.

## **6. LEGAL BASIS FOR PROCESSING YOUR INFORMATION**

We only process your personal information when we believe it is necessary and we have a valid legal reason (i.e., legal basis) to do so under applicable law, like with your consent, to comply with laws, to provide you with services to enter into or fulfill our contractual obligations, to protect your rights, or to fulfill our legitimate business interests.

**If you are located in Canada, this section applies to you.**

We may process your information if you have given us specific permission (i.e., express consent) to use your personal information for a specific purpose, or in situations where your permission can be inferred (i.e., implied consent). You can withdraw your consent at any time.

In some exceptional cases, we may be legally permitted under applicable law to process your information without your consent, including, for example:

If collection is clearly in the interests of an individual and consent cannot be obtained in a timely way

For investigations and fraud detection and prevention

For business transactions provided certain conditions are met

If it is contained in a witness statement and the collection is necessary to assess, process, or settle an insurance claim

For identifying injured, ill, or deceased persons and communicating with next of kin

If we have reasonable grounds to believe an individual has been, is, or may be victim of financial abuse

If it is reasonable to expect collection and use with consent would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province

If disclosure is required to comply with a subpoena, warrant, court order, or rules of the court relating to the production of records

If it was produced by an individual in the course of their employment, business, or profession and the collection is consistent with the purposes for which the information was produced

If the collection is solely for journalistic, artistic, or literary purposes

If the information is publicly available and is specified by the regulations

## **7. INFORMATION WE SHARE**

We do not share Personal Data with companies, organizations and individuals outside of Filial Health unless one of the following circumstances applies:

With User consent. We will share Personal Data with companies, organizations or individuals outside of Filial Health when we have your consent to do so. When we share health Personal Data, we do so for the purpose of improving treatment management or for purpose of health research.

**Insurance Provider.** We may share Personal Data with the insurance provider identified to us (and do so via our Filial Health Partners) to determine eligibility, or otherwise obtain a benefit plan and other insurance-related information.

**For external processing.** We provide Personal Data to our affiliates or other trusted businesses or partners to process it for us, based on our instructions and in compliance with our Privacy Policy and any other appropriate confidentiality and security measures. These third parties include payment processors, such as financial institutions and their vendors and contractors that process transactions, marketing partners, prescription management partners, lab testing companies, and similar partners. It is our policy to only share Personal Data with contractors, service providers, technology partners, and other third parties who are bound by contractual obligations to keep Personal Data confidential and use it only for the purposes for which we disclose it to them. Under certain circumstances, you may avoid having us share your information with our business partners and vendors by not granting us permission to share your information. Not granting us permission to share your information with our business partners or vendors may limit your access to their services through the Sites.

**For Legal Reasons.** We will share Personal Data with companies, organizations or individuals outside of Filial Health if we have a good-faith belief that access, use, preservation or disclosure of the information is reasonably necessary to:

- meet any applicable law, regulation, legal process or enforceable governmental request.

- enforce applicable Terms of Use, including investigation of potential violations.

- detect, prevent, or otherwise address fraud, security or technical issues.

- protect against harm to the rights, property or safety of Filial Health, our Users or the public as required or permitted by law.

We attempt to notify Users about legal demands for their Personal Data when appropriate in our judgment, unless prohibited by law or court order or when the request is an emergency. We may dispute such demands when we believe, in our discretion, that the requests are overbroad, vague or lack proper authority, but we do not promise to challenge every demand.

**Business Transfers.** If we establish a new related entity, are acquired by or merged with another organization, or if substantially all of our assets are transferred to another organization, Personal Data about our Users is often a transferred business asset. In the event that Filial Health itself or substantially all of our assets are acquired, Personal Data about our Users may be one of the transferred assets.

**Non-Personal and Aggregate Site Use Information.** Filial Health may compile and share your information in aggregated form (i.e., in a manner that would not personally identify you) or in de-identified form so that it cannot reasonably be used to identify an individual (“De-Identified Information”). We may disclose such De-Identified Information publicly and to third parties, for example, in public reports about exercise and activity, or to Filial Health Partners under

agreement with us. Filial Health may also disclose De-Identified Information for general research purposes and in research collaborations with third parties, such as universities, hospitals or other laboratories to determine the prevalence of particular conditions among Users or to determine whether a User might be suitable for research or clinical trials. Filial Health may also use De-Identified Information for commercial collaborations with private companies for purposes such as product design or enhancement of Services.

## **8. Your Failure To Provide Personal Data**

Your provision of Personal Data is required in order to use certain parts of our Services and our programs. If you fail to provide such Personal Data, you may not be able to access and use our Services and/or our programs, or parts of our Services and/or our programs.

## **9. Our Retention Of Your Personal Data**

We may retain your Personal Data for a period of time consistent with the original purpose for collection. For example, we keep your Personal Data for no longer than reasonably necessary for your use of our programs and Services and for a reasonable period of time afterward. We also may retain your Personal Data during the period of time needed for us to pursue our legitimate business interests, conduct audits, comply with our legal obligations, resolve disputes and enforce our agreements.

We retain your Personal Data even after your business relationship with us ends if reasonably necessary to comply with our legal obligations (including law enforcement requests), meet regulatory requirements, resolve disputes, maintain security, prevent fraud and abuse, enforce our Terms of Use, or fulfill your request to “unsubscribe” from further messages from us. We will retain de-personalized information after your account has been closed.

## **10. YOUR PRIVACY RIGHTS**

In some regions (like Canada and California), you have certain rights under applicable data protection laws. These may include the right (i) to request access and obtain a copy of your personal information, (ii) to request rectification or erasure; (iii) to restrict the processing of your personal information; (iv) if applicable, to data portability; and (v) not to be subject to automated decision-making. In certain circumstances, you may also have the right to object to the processing of your personal information. You can make such a request by contacting us by using the contact details provided in the section "HOW TO CONTACT US" below.

We will consider and act upon any request in accordance with applicable data protection laws.

**Withdrawing your consent:** If we are relying on your consent to process your personal information, which may be express and/or implied consent depending on the applicable law, you have the right to withdraw your consent at any time. You can withdraw your consent at any time by contacting us by using the contact details provided in the section "HOW TO CONTACT US" below.



However, please note that this will not affect the lawfulness of the processing before its withdrawal nor, when applicable law allows, will it affect the processing of your personal information conducted in reliance on lawful processing grounds other than consent.

### **Account Information**

If you would at any time like to review or change the information in your account or terminate your account, you can:

Contact us using the contact information provided.

**Cookies and similar technologies:** Most Web browsers are set to accept cookies by default. If you prefer, you can usually choose to set your browser to remove cookies and to reject cookies. If you choose to remove cookies or reject cookies, this could affect certain features or services of our Services.

If you have questions or comments about your privacy rights, you may email us at [info@filialhealth.com](mailto:info@filialhealth.com).

## **11. SPECIFIC PRIVACY RIGHTS FOR UNITED STATES RESIDENTS**

If you are a resident of California, Colorado, Connecticut, Delaware, Florida, Indiana, Iowa, Kentucky, Montana, New Hampshire, New Jersey, Oregon, Tennessee, Texas, Utah, or Virginia, you may have the right to request access to and receive details about the personal information we maintain about you and how we have processed it, correct inaccuracies, get a copy of, or delete your personal information. You may also have the right to withdraw your consent to our processing of your personal information. These rights may be limited in some circumstances by applicable law. More information is provided below.

### **Categories of Personal Information We Collect**

Identifiers: Contact details, such as real name, alias, postal address, telephone or mobile contact number, unique personal identifier, online identifier, Internet Protocol address, email address, and account name

Personal information as defined in the California Customer Records statute: Name, contact information, education, employment, employment history, and financial information

Protected classification characteristics under state or federal law: Gender, age, date of birth, race and ethnicity, national origin, marital status, and other demographic data

Commercial information: Transaction information, purchase history, financial details, and payment information

Biometric information: Fingerprints and voiceprints

Internet or other similar network activity: Browsing history, search history, online behavior, interest data, and interactions with our and other websites, applications, systems, and advertisements

Geolocation data: Device location

Audio, electronic, sensory, or similar information: Images and audio, video or call recordings created in connection with our business activities

Professional or employment-related information: Business contact details in order to provide you our Services at a business level or job title, work history, and professional qualifications if you apply for a job with us

Inferences drawn from collected personal information: Inferences drawn from any of the collected personal information listed above to create a profile or summary about, for example, an individual's preferences and characteristics.

## **12. OUR RESPONSE TO YOUR REQUEST**

Upon receiving your request, we will confirm receipt of your request by [sending you an email/confirming receipt via our online portal/sending a message to your online account]. To help protect your privacy and maintain security, we may take steps to verify your identity before granting you access to the information. In some instances, such as a request to delete personal information, we may first separately confirm that you would like for us to in fact delete your personal information before acting on your request.

If you request termination of your account, we will deactivate or delete your account and information from our active databases. However, we may retain some information in our files to prevent fraud, troubleshoot problems, assist with any investigations, enforce our legal terms and/or comply with applicable legal requirements.

In some cases our ability to uphold these rights for you may depend upon our obligations to process Personal Information for security, safety, fraud prevention reasons, compliance with regulatory or legal requirements, listed below, or because processing is necessary to deliver the services you have requested. Where this is the case, we will inform you of specific details in response to your request.

We may deny your deletion request if retaining the information is necessary for us or our service providers to:

Complete the transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you;

Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities;

Debug products to identify and repair errors that impair existing intended functionality;

Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law;

Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent;

Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us;

Comply with a legal obligation; or

Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

### **13. OUR OPT-IN/OPT-OUT POLICY**

By providing an email address on the Filial Health Sites or Services, you agree that we may contact you in the event of a change in this Privacy Policy, to provide you with any Service related notices, or to provide you with information about our events, invitations, or related educational information.

For purposes of this Privacy Policy, "opt-in" is generally defined as any affirmative action by a User to submit or receive information, as the case may be.

We currently provide the following opt-out opportunities:

At any time, you can follow a link provided in newsletters or other email messages received from us to unsubscribe from the service.

At any time, you can contact us through [info@filialhealth.com](mailto:info@filialhealth.com) or the address or telephone number provided below to unsubscribe from the service and opt-out of our right per your consent under the terms of this Privacy Policy to share your Personal Data.

Notwithstanding anything else in this Privacy Policy, please note that we always reserve the right to contact you in the event of a change in this Privacy Policy, or to provide you with any service related notices.

#### **14. THIRD PARTY LINKS**

The Sites may contain links to webpages operated by parties other than Filial Health. We do not control such websites and are not responsible for their contents or the privacy policies or other practices of such websites. Our inclusion of links to such websites does not imply any endorsement of the material on such websites or any association with their operators. Further, it is up to the User to take precautions to ensure that whatever links the User selects or software the User downloads (whether from this Site or other websites) is free of such items as viruses, worms, trojan horses, defects and other items of a destructive nature. These websites and services may have their own privacy policies, which the User will be subject to upon linking to the third party's website. Filial Health strongly recommends that each User review the third party's terms and policies.

#### **14. CONTROLS FOR DO-NOT-TRACK FEATURES**

Most web browsers and some mobile operating systems and mobile applications include a Do-Not-Track (DNT) feature or setting you can activate to signal your privacy preference not to have data about your online browsing activities monitored and collected. At this stage, no uniform technology standard for recognizing and implementing DNT signals has been finalized. As such, we do not currently respond to DNT browser signals or any other mechanism that automatically communicates your choice not to be tracked online. If a standard for online tracking is adopted that we must follow in the future, we will inform you about that practice in a revised version of this privacy notice.

California law requires us to let you know how we respond to web browser DNT signals. Because there currently is not an industry or legal standard for recognizing or honoring DNT signals, we do not respond to them at this time.

#### **15. INTERNATIONAL TRANSFER**

We may, directly or indirectly through third-party entities around the world, process, store, and transfer the information you provide, including your Personal Information, as described in this Privacy Policy. Specifically, the information and Personal Information that we collect may be transferred to, and stored at, a location outside of your jurisdiction. It may also be processed by staff operating outside of your jurisdiction who work for us or for one of the organizations outlined in this Privacy Policy in connection with the activities outlined in this Privacy Policy. By submitting your information and Personal Information using the Sites, you agree to this transfer, storing or processing. We will take all steps necessary to ensure that your Personal Information is treated securely and in accordance with this Privacy Policy. We have put in place

commercially reasonable technical and organizational procedures to safeguard the information and Personal Information we collect on the Sites.

## **16. HOW WE PROTECT PERSONAL DATA**

Filial Health maintains administrative, technical and physical safeguards designed to protect the User's Personal Data and information against accidental, unlawful or unauthorized destruction, loss, alteration, access, disclosure or use. We implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk, taking into account technological reality, cost, the scope, context and purposes of processing weighted against the severity and likelihood that the processing could threaten individual rights and freedoms. For example, we restrict access to personal information to Filial Health employees, contractors, business partners and agents who need to know that information in order to operate, develop or improve our services. These individuals are bound by confidentiality obligations and may be subject to discipline, including termination and criminal prosecution, if they fail to meet these obligations. We use commercially reasonable security measures such as encryption, firewalls, and Secure Socket Layer software (SSL) or hypertext transfer protocol secure (HTTPS) to protect Personal Data.

If Filial Health collects account information for payment or credit, Filial Health will use the information only to complete the task for which the account information was offered.

## **17. MINORS**

The Site is not intended for use by children under 18 years of age. We do not intentionally gather Personal Data persons who are under the age of 18. If a child has provided us with Personal Data, a parent or guardian of that child may contact us to have the information deleted from our records. If you believe that we might have any information from a child under the age of 16 in the applicable jurisdictions, please contact us at [info@filialhealth.com](mailto:info@filialhealth.com). If we learn that we have inadvertently collected the personal information of a child under the minimum age depending on jurisdiction, we will take steps to delete the information as soon as possible.

## **18. UPDATES TO THIS PRIVACY POLICY**

We may update this privacy notice from time to time. The updated version will be indicated by an updated "Revised" date at the top of this privacy notice. If we make material changes to this privacy notice, we may notify you either by prominently posting a notice of such changes or by directly sending you a notification. We encourage you to review this privacy notice frequently to stay informed about how we are protecting your information.

## **19. HOW TO CONTACT US**

If you have questions or comments about this Privacy Policy, you may email us at [info@filialhealth.com](mailto:info@filialhealth.com) or contact us by post at:

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