

PRIVACY POLICY

MY-CARDIA (USA) INC.

EFFECTIVE DATE: June 7, 2018

This Privacy Policy (“**Policy**”) describes how My-Cardia (USA) Inc. (“**we**,” “**us**,” or “**our**”) collects, uses, and discloses information that we obtain about you and your use of the our website (the “**website**” or “**Site**”) and the My-Cardia application (the “**My-Cardia App**”, and together with the website and Site, the “**Service**”) including information that we collect from our devices that our users connect to a mobile device running the App.

We are a global company. If you are located in the United States or a country outside the European Union, your information is stored in the U.S. If you are an EU data subject, we store your information in the EU. By using or downloading the Service, you agree that your personal information, including any information about your health that you provide directly to us or that we collect through your use of the Service, may be transferred to and stored in the US and handles as described in this Policy.

This Policy, and our Terms of Service (the “**Terms of Service**”), which is incorporated herein by reference, are an agreement (collectively, this “**Agreement**”) between you (“**You**” or “**your**” or “**you**”), a user of the Service, and us. By using our website you acknowledge and agree to this policy, and consent to our use of cookies in accordance with the terms of this Agreement.

The Information We Collect. We collect information directly from our users, from devices and third party services our users connect, as well as automatically through our users use of our Service, including, the following:

- information about your computer and about your visits to and use of this website including your Internet Protocol (IP) address, geographical location, browser type and version, devise characteristics, operating system, language preferences, referral source, and information on action taken on the Site, such as; length of visit, page views and website navigation paths;
- information that you provide to us when registering with our Service including your email address;
- information that you provide or that is collected by and from Facebook, Twitter, Instagram or other social-media properties, whether existing now or in the future, when completing your profile on our website including your name, profile pictures, gender, date of birth, relationship status, interests and hobbies, educational details, employment details and other personal data or information;
- information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters or text message alerts, or participate in one of our online forums or communities including your name, postal address, email address, telephone and/or mobile numbers;

- information that you provide to us when using the services, or that is generated in the course of the use of those services including the timing, frequency and pattern of service use;
- information relating to any purchases you make of our goods and/or services or any other transactions that you enter into through our website including your name, address, telephone number, email address, fax number, and credit card details;
- information that you publicly post on the Site or via links to social media networks, forums, blogs, message boards, chat rooms or similar functionality is public information that we, or others, may share or use in accordance with the law;
- information contained in or relating to any communication with us or our third-party service providers for customer support or other communications, including, without limitation, records and copies of correspondence and responses to surveys for research purposes;
- In connection with your visit or use of the Service, we may automatically collect information about our users, such as the numbers and frequency of users and their characteristics and information about similar groups of users, certain age groups or users that live in a particular geographical area. This data is only used in the aggregate as a statistical measure and not in a manner that would identify you personally. Aggregate information generally is collected through the use of cookies and beacons;
- When you access or use the Service, or any portion thereof, we may collect physical location information that is sufficiently precise to allow us to locate a specific person or device (“**Location Information**”). We only collect Location Information with your permission (e.g., such as when you agree to provide it to us after you initially access or use the Service). We may use Location Information to provide you with content and services that are relevant to a particular location, such as advertising, search results, and directions;
- The Service may access metadata and other information associated with other files stored on your device. This may include, for example, photographs, audio and video clips, personal contacts and address book information; and
- any other personal information that you choose to send to us.

We may collect, store and use information obtained by automated means through the Site such as, cookies, web beacons, web server logs, JavaScript and similar technologies, including technologies designed to obtain information regarding your use of the Site:

- “**Cookies**” are alphanumeric identifiers that we transfer to your computer’s hard drive through your Web browser to enable our systems to recognize your browser

and tell us how and when pages in the Service are visited and by how many people. Our cookies do not collect personal information, and we do not combine information collected through cookies with other personal information to tell us who you are or your screen name or e-mail address. The “Help” portion of the toolbar on the majority of browsers will direct you on how to prevent your browser from accepting new cookies, how to command the browser to tell you when you receive a new cookie, or how to fully disable cookies. We recommend that you leave the cookies activated because cookies allow you to use many features of the Service.

- **“Web Beacons,”** also known as Internet tags, pixel tags, single-pixel GIFs or clear GIFs, link web pages to web servers and their cookies. Web Beacons can be embedded in web pages, videos, or emails, to collect certain types of information from your browser, check whether you have viewed a particular web page or email message, and determine, among other things, the time and date on which you viewed the content, the IP address of your computer, and the Uniform Resource Locator (URL) of the web page from which the content was viewed.
- **“Web Server Logs,”** including browser types, Internet service providers (ISPs), referring/exit pages, platform types, date/time stamps, number of clicks, and IP addresses. An IP address is a number that is automatically assigned to your computer whenever you access the Internet, which web servers use to identify where to send the information your computer requests. We may use IP addresses for a number of purposes, such as system administration, to report aggregate information to our business partners, or to audit the use of our Services.
- **“Local Shared Objects,”** sometimes known as Flash cookies, may be used to store your preferences or display content based upon what you have viewed on various websites to personalize your visit.
- **“Ad IDs” and Other In-App Tracking Methods.** There are a variety of tracking technologies that may be included in mobile applications, and these are not browser-based like cookies and cannot be controlled by browser settings. Some use device identifiers, or other identifiers such as “Ad IDs” to associate app user activity to a particular app.
- **Google Analytics and DoubleClick.** We use Google Analytics (“**Google Analytics**”), a web analytics service provided by Google Inc. (“**Google**”). Google Analytics uses “cookies.” The information generated by the cookies about your use of the Service (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating your use of the Service, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage. Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf. Google will not associate your IP address with any other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your browser, however, please note that if you do this, you may not be able to use the full functionality of the Service. More information about how you can opt-out is in Section 5 (Your Rights) below. By using the Service, you consent to the processing

of data about you by Google in the manner and for the purposes set out above. We also use the services like Google DoubleClick in conjunction with Google AdSense on our service. To disable this cookie, visit Google's webpage on the subject for further instructions: <http://www.google.com/policies/privacy/ads/>.

At some Services, you may also be able to submit information about other people. Before you disclose to us the personal information of another person, you must obtain that person's consent, and you hereby represent that you have obtained such consent from such person, to both the disclosure and the processing of that personal information in accordance with this Policy.

When Users Create, Update, or Add Additional Information to Their Account. When users register to use the Service, we collect the personal information the user provides us, including the user's name, email address, password, birthday, height, and gender. Optional additional information may be included in user's profiles.

We Collect Additional Information from Devices You Connect to the MyCardia App:

- **When you Use the MyCardia App.** We collect your electrocardiogram ("ECG," "EKG") measurement data, average heart rate, and location on the body where the ECG recording was taken (e.g. body or chest). We collect additional information from your mobile device at the time of recording, including accelerometer data, local time, local time zone, and geographical location.

You may use your mobile device to add notes, tags, or voice memos to recordings you make with any connected device. Many users use this feature to supplement ECG readings with information about their symptoms, activities, or diet related to their specific health voice memos, including any personal or sensitive information you chose to provide through this feature.

- **Information Collected From Your Phone or Watch.** In addition to the collection described above, we collect basic information from your mobile device, including device model and OS version, device ID, device language, activities within the App and how long the App is open.

If you chose to connect your mobile device to a compatible third-party service, such as Apple Health or Goggle Fit, with your permission, we collect information from your user profile including: username and email address, heart rate BPM, step count and distance traveled, activity sample, glucose and oxygen saturation levels, active and resting energy levels, sleep analysis, blood pressure readings, and workout history.

- **When You Use A Premium Feature.** When you choose to participate in a premium service, we collect additional information from you related to those services. Some premium features are paid services. When you make payments through the Service, you may need to provide your shipping address and financial account information, such as your credit card number, to our third-party service providers. We do not collect or store financial account information, though we may receive transaction identifiers and summary information that does not include credit card or bank account numbers.

- **When You Use the MyCardia Service.** When you enroll in the Service as a provider, we ask you to provide your National Provider Identifier (NPI) number. When a health care provider submits patient information through the Service, based on permissions from form both the patient and the health care provide, we receive patient profile information including: name, email address, telephone number, birth date, gender, medical record number, and any notes, tags, or voice memos submitted by the health care provider.
- **When You Contact Us.** When you contact us directly, such as when you contact our Customer Support team, we will receive the contents of your message or any attachments you may sends to use, as well as any additional information you choose to provide.

How We Use Your Information

We process your information, including your personal information, for the following purposes:

- To tailor the content and information that we may send or display to you, to offer location customization, and personalized help and instructions, and to otherwise personalize your experiences while using the Service.
- To research and develop new products and features.
- For marketing and promotional purposes, to the extent permitted by law and, where required, with your consent.
- To better understand how users access and use or Service, both on an aggregated and individualized basis, in order to improve our Service and respond to user desires and preferences, and for other analytical purposes.
- To send transactional messages, including, responses to your comments, questions and requests; providing customer service and support; sending technical notices, security alerts, updates and support and administrative messages; sending statements, invoices and payment reminders to you, and collecting payments from you.
- To tailor the content and information that we may send or display to you, to understand if a recorded EKG is your personal data or guests' data, to offer location customization, and personalized help and instruction, and to otherwise personalize your experiences while using the Service.
- To administer surveys and questionnaires.
- To send promotional communications, such as providing you with information about services, features, newsletters, offers, promotions, contests, events and sending updates.
- To send you email notifications that you have specifically requested.
- To send you our email newsletter or other electronic periodical, even if you have not requested it, and of which you can inform us at any time if you no longer require the newsletter or other electronic periodical.
- To send you marketing or advertising communications relating to our business or our affiliated third-party businesses which we think may be of interest to you, by post or, where you have specifically agreed to this, by email or similar technology, which you can inform us at any time if you no longer require marketing or advertising communications;
- To monitor and statistically analyze trends, usage, and activities in connection with the Service and for marketing, advertising, administrative, analytical, research, optimization, and other purposes.
- To deal with inquires and complaints made by or about you relating to the Site.

- To comply with legal obligation, as part of our general business operations, and for other business administration purposes.
- Where we believe necessary to investigate, prevent or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person or violations of our Terms of Use of this Privacy Policy.

How We Share Your Information. We may share your information, including personal information, as follows:

- **With Your Consent.** With your prior consent, we may share information from the Service with other third-party partners, including your personal information and data collected from your devices.
- **Your Healthcare Providers or Family.** With your consent, we may share your information including information collected from your connected device, with your healthcare providers and/or family members that you designate to receive your information.
- **Affiliates; Our Representatives.** We may disclose the information we collect from you to our affiliates or subsidiaries. If we do, their use and disclosure of your personal information will be subject to this Policy. We may disclose your personal information to any of our officers, directors, managers, members, representatives, employees, officers, insurers, professional advisers, agents, suppliers or subcontractors insofar as reasonably necessary for the purposes set out in this policy.
- **Service Providers.** We may disclose the information we collect from you to third-party vendors, service providers, contractors or agents who perform functions on our behalf, such as providers of hosting, email, customer support services, analytics, marketing, and advertising.
- **Business Transfers.** If we are acquired by or merged with another company, we will give affected users notice before transferring any personal information to a new entity.
- **Social Networks.** We may include applications or widgets from social media networks that allow interaction or content sharing by their users. These widgets, such as a Facebook “Share” or “Like” button, are visible to you on the web page you visit. Integration between the Service and social media networks such as Facebook, Twitter and others may allow social media networks in which you participate to collect information about you, even when you do not explicitly activate the network’s application or widget. Please visit the applicable social media network’s privacy policy to better understand their data collection practices and choices they make available to you. The privacy policy of the social media network controls the collection, use and disclosure of all personal information transmitted to that network.
- **In Response to Legal Process.** We also may disclose the information we collect from you in order to comply with the law, a judicial proceeding, court order, or other legal process, such as in response to a court order or a subpoena.
- **To Protect Us and Others.** We also may disclose the information we collect from you where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of our Terms of Use or this Policy, or as evidence in litigation in which we are involved.

Privacy Shield Information For EU and Swiss Individuals

We are in compliance with the EU – U.S. Privacy Shield Framework and the Swiss – U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the EU and Switzerland to the US pursuant to the Privacy Shield. We have certified to the Department of Commerce that we adhere to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern.

In compliance with the Privacy Shield Principles, we commit to resolve complaints about your privacy and our collection or use of your personal information pursuant to the Privacy Shield. EU and Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact us at the contact address below:

My-Cardia (USA) Inc.
74-710 Highway 111 Suite, 112
Palm Desert, CA USA 92253
Tel: Tel: 1 (760) 205-3344

Please note that if your complaint is not resolved through these channels, under limited circumstances, a binding arbitration option may be available before a Privacy Shield Panel. The Federal Trade Commission has jurisdiction with enforcement authority over our compliance with the Privacy Shield.

The Privacy Shield Principles describe our accountability for personal data that is subsequently transfers to a third party agents process the personal information in a manner inconsistent with the Privacy Shield Principles, unless we prove we are not responsive to the event giving rise to the damage.

Note that we may be required to release the personal data of EU and Swiss individuals whose data is pursuant to the Privacy Shield in response to legal requests from public authorities including to meet national security and law enforcement requirements.

Cookies

Cookies are small text files stored on your device and used by web browsers to deliver personalized content and remember logins and account settings. Cookies may be either “persistent” cookies or “session” cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed. Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies. In addition to improving user experience, we use cookies and similar technologies for analytic and advertising purposes. You can manage your cookies locally by adjusting your browser settings.

Most browsers allow you to refuse to accept cookies; for example:

- in Internet Explorer (version 11) you can block cookies using the cookie handling override settings available by clicking “Tools,” “Internet Options,” “Privacy” and then “Advanced;”

- in Firefox (version 44) you can block all cookies by clicking “Tools,” “Options,” “Privacy,” selecting “Use custom settings for history” from the drop-down menu, and unticking “Accept cookies from sites;” and
- in Chrome (version 48), you can block all cookies by accessing the “Customize and control” menu, and clicking “Settings,” “Show advanced settings” and “Content settings,” and then selecting “Block sites from setting any data” under the “Cookies” heading.

Blocking all cookies will have a negative impact upon the usability of many websites. If you block cookies, you will not be able to use all the features on the Site. You can delete cookies already stored on your computer; for example:

- in Internet Explorer (version 11), you must manually delete cookie files (you can find instructions for doing so at <http://windows.microsoft.com/en-gb/internet-explorer/delete-manage-cookies-ie-11>);
- in Firefox (version 44), you can delete cookies by clicking “Tools,” “Options” and “Privacy,” then selecting “Use custom settings for history” from the drop-down menu, clicking “Show Cookies,” and then clicking “Remove All Cookies;” and
- in Chrome (version 48), you can delete all cookies by accessing the “Customize and control” menu, and clicking “Settings,” “Show advanced settings” and “Clear browsing data,” and then selecting “Cookies and other site and plug-in data” before clicking “Clear browsing data.”

Third-Party Links

Our Service may contain links to third-party websites. Any access to and use of such linked websites is not governed by this Policy, but instead is governed by the privacy policies of those third party websites. We are not responsible for the information practices of such third party websites. We have no control over and are not responsible for, the privacy policies and practices of unaffiliated third parties.

Notice to California Residents

If you are a California resident, you may have certain additional rights. California Civil Code Section 1798.83 permits you to request information regarding the disclosure of your personal information by us to third parties for the third parties’ direct marketing purposes. California Business and Professions Code Section 22581 permits registered users who are minors to request and obtain deletion of certain posted content. To make any such requests, please email us at **[email address]** or contact us at the address below. California Business & Professions Code Section 22575(b) (as amended effective January 1, 2014) provides that California residents are entitled to know how we respond to “**Do Not Track**” browser settings. We do not currently take action to respond to Do Not Track signals because a uniform technological standard has not yet been developed. We continue to review new technologies and may adopt a standard once one is created.

Users Under 18

Our services are not designed for users under 18. If we discover that a user under 18 has provided us with personal information, we will delete such information from our systems.

Children Under Age of 13

The Service is not intended for children or directed at any individual under 13 years of Age. We do not knowingly collect or knowingly solicit any information from anyone under the age of 13 or knowingly allow people under the age of 13 to register for the Service. In the event that we learn that we have collected personal information, as defined by the Children's Online Privacy Protection Act ("COPPA"), of a child under age 13 without parental consent, we will delete that information as quickly as possible. If you believe that we might have any information from or about a child under 13, please contact us at [email address].

Retaining personal information

This Section sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal information. Personal information that we process for any purpose or purposes may be maintained.

Notwithstanding the other provisions of this Section, we will retain documents (including electronic documents) containing personal data:

- to the extent that we are required to do so by law;
- if we believe that the documents may be relevant to any ongoing or prospective legal proceedings; and
- in order to establish, exercise or defend our legal rights (including providing information to others for the purposes of fraud prevention and reducing credit risk).

Security of Personal Information

You should take steps to protect against unauthorized access to your password, phone, and computer by, among other things, signing off after using a shared computer, and choosing a robust password. We are not responsible for any lost, stolen, or compromised passwords or for any activity on your account via unauthorized password activity. We will take reasonable administrative, technical, organizational and physical precautions to safeguard against the loss, misuse or alteration of your personal information. These safeguards vary based on the sensitivity of the information that we collect and store. For example, when processing sensitive personal data (such as data about ethnic or racial origin, political opinions/union membership, data concerning health, sex life or sexual orientation, genetic data, or biometric data) or data that reveals sensitive personal data, especially when using data profiling extra safeguards will be added. We will store all the personal information you provide on our secure (password- and firewall-protected) servers. We will notify consumers and regulatory authorities in case of breach without undue delay. You acknowledge that the transmission of information over the Internet is inherently insecure, and any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures we provide. Although we take appropriate measures to safeguard against unauthorized disclosures of Information, we cannot assure you that Information will never be disclosed, altered or destroyed in a manner that is inconsistent with this Privacy Policy. You acknowledge that the safety and security of your information also depends on you. You are responsible for keeping the password you use for accessing the Service confidential; we will not ask you for your password (except when you log in to our website).

Access to and Deleting Personal Information

We acknowledge the right of EU and Swiss individuals to access their personal data pursuant to the Privacy Shield. You may modify personal information that you have submitted by logging into your account and updating your profile information. Please note that copies of information that you have updates, modified or deleted may remain viewable in cached and archived pages of the Service for a period of time.

We store information associated with your account until your account is deleted. You can delete your account at any time by contacting our customer support team. Please note that it may take time to delete your account information, and we may preserve it for legal reasons or to prevent harm.

GDPR – Rights For EEA Users and Our Capabilities for Worldwide Users What Rights Do You Have? Individuals located in the European Economic Area have certain rights in respect of your personal information and we will provide capabilities to all our worldwide users, including:

- The right of access to your personal data;
- The right to erase your personal data; and
- The right to personal data portability.

We rely on your consent as a lawful basis for processing personal data for the following purposes:

- Initial collection of personal data through the Service;
- Providing you with marketing or promotional communications. You may opt out of such communications at any time by clicking the “unsubscribe” link found within our email updates and changing your contact preferences.

We process personal data in order to perform any obligations to you. We may collect your personal information from, transfer it to, and store and process it in the United States and other countries outside of where you live. Whenever we share information of EU users outside the EU we make sure an adequate transfer mechanism is in place, including data processing agreements based on the EU/EEA Standard Contractual Clauses. When we receive formal written complaints, we respond by contacting the person who made the complaint. We work with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of your data that we cannot resolve with you directly. By using our Services, you consent to us transferring information about you to these countries.

Additionally, we process personal data based on our “legitimate interests” in providing you the Service as described in the section “How We Used Your Information,” including:

- To enable the Service to function as expected;
- To communicate with you in response to customer service inquiries, to deliver non-promotional, service-related emails, or to administer surveys and questionnaires; and
- To tailor your experience based on your general region.

In some cases, we may process personal information pursuant to a legal obligation or to protect your vital interest or those of another person.

Changes to this Policy

This Policy is current as of the Effective Date set forth above. We may change this Policy from time to time, so please be sure to check back periodically. We will post any changes to this Policy on our Service. If we make any changes to this Policy that materially alter our practices with regard to the personal information we have previously collected from you, we will provide you with notice in advance of such change.