

Clear Medical Systems, LLC Privacy Policy

Last Revised October 1, 2020

This Privacy Policy describes how Clear Medical Systems, LLC and related entities (“**Clear Medical**,” “**we**,” “**us**,” or “**our**”) processes personal data and other data and information obtained by it, including, without limitation, when you visit and use www.clearmedicalsystems.com or any other website that links to this Privacy Policy (each, “**Our Website**”), you use any software, platforms or mobile application operated by us, or you receive or use the Devices, the Services or the RPM Data described below, by explaining what types of data and information Clear Medical collects, how that data and information is used, Clear Medical’s sharing practices, and your choices. Clear Medical is the controller for purposes of this Privacy Policy.

Services We Provide

Clear Medical supplies patients participating in remote patient monitoring programs (“**RPM Programs**”) with devices manufactured by third parties such as, without limitation, scales, blood pressure cuffs, glucometers (“**Devices**”), that are equipped to transmit real time physiologic data to our cloud-based proprietary platform (the “**Platform**”). We then process and provide related services with respect to data and information transmitted to the Platform, and we transmit such data and information and related reports (“**RPM Data**”) to providers of medical services (“**Medical Providers**”) to assist them in remotely monitoring the physiological parameters of their patients (collectively, the “**Services**”).

Application of this Privacy Policy and Term and Conditions

Access and use of Our Website, the Devices, the Services and/or the RMP Data is provided subject to this Privacy Policy and our Terms and Conditions made available on our Website. By submitting data and information to us, using Our Website, the Devices, our Services and/or RPM Data, you consent to the terms of this Privacy Policy. If you do not agree to the terms of this Privacy Policy or the treatment of data and information as outlined in this Privacy Policy, do not submit any data or information to us or our Website via the Devices or otherwise in connection with the Services.

Data and Information We Collect and Use

We collect data and information (i) directly from patients participating in RPM Programs that receive the Services (“**Enrolled Patients**”), (ii) from Medical Providers or their personnel who enroll patients in RPM Programs, including when patients are designated by Medical Providers to receive the Services, (iii) directly or indirectly from the Devices, (iv) from other interactions with the Enrolled Patients receiving the Services and their Medical Providers, and (v) from the other sources and at the other times described in this Privacy Policy.

Data and Information Provided to Enroll Patients and Provide the Services

To enroll patients to receive the Services in connection with a Medical Provider's RPM Program and to order the applicable Devices for such patient, such patient or his or her Medical Provider will provide us with such patient's name, mailing address, email address, phone number, contract number, birth date, gender, and the medical condition for which we will be providing the Services, as well as information relating to the patient's insurance coverage and such other data and information as we elect to request.

In the course of providing the Services to an Enrolled Patient, we will receive real time physiologic data about such Enrolled Patient, directly or indirectly, from the Devices. We may also receive additional data and information about an Enrolled Patient and his or her health directly from such Enrolled Patient or his or her Medical Provider or other third parties. We then process and provide related services with respect to such data and information transmitted to us, and we transmit such data and information and related reports to Medical Providers to assist them in remotely monitoring the physiological parameters of such Enrolled Patient.

Download Resources

When you download any resources we make available on Our Website we will likely collect your name, mailing address, email address, telephone number, and information relating to your medical condition or health generally. We collect this information to provide you with the resource you requested.

Request More Information

When an Enrolled Patient, a Medical Provider or another party requests more information about our products or services we collect their name, mailing address, email address, telephone number, and information relating to their medical condition or health generally. We collect this information to effectively address comments and questions and provide the requesting party with the relevant information requested.

Get a Demonstration or Free Trial

In the future we may offer Enrolled Patients or Medical Providers with certain products or services other than the Services. In such case, we may provide demonstrations or free trials relating to such products or services and, in connection therewith, ask such Enrolled Patients or Service Providers to provide their name, mailing address, email address, telephone number, and information relating to their medical condition or health generally. We collect this information to set up the demonstrations or free trials, communicate with the applicable Enrolled Patients or Medical providers and provide them with information they request.

Make a Payment

In the future, we offer products or services that are paid for by Enrolled Patients or Medical Providers. In such case, we ask the paying party to provide their name, mailing address, email address, telephone number, information relating to their medical condition or health generally, and credit card or other payment information. We use this information to process the applicable payment(s).

Subscribe to Our Mailing List

When you subscribe to our mailing list we collect your email address so we can notify you of new content or other information we may make available to Enrolled Patients and/or Medical Providers.

Register for an Event

When you register for an event, we collect your name, email address, organization name, and phone number. We use this information to communicate with you about the event and related services.

Leave a Comment

If you leave a comment or subscribe to a comment feed, we ask for your name and email address. We use this information to share your comments and provide you with updates to the comment feed.

Apply for a Job with Us

If you apply for a job with us, we collect any information you provide in connection with your application submission, including application information submitted through any third party recruiting platforms used by us.

Contact Us

When you contact us through Our Website we collect your name, mailing address, email address, telephone number, and information relating to your medical condition or health generally. We request this information in order to effectively address your comments and questions and provide you with relevant information in response to your inquiry.

Surveys, Contests and Promotional Events

We may request that Enrolled Patients or Medical Providers participate in surveys, contests or promotional events. We use information related to a survey to submit the survey to you and we use the results of surveys to improve our Services and to gain information about Enrolled Patients. We use information related to contests or promotional events to communicate with you about the contest or event and provide related services.

Other

Other services we offer may request or require you to provide us with additional information, which will be described at the point of collection.

Automatically Collected Information

We automatically collect the following types of information when you use Our Website, including:

Technical Data. We collect information about the device you use to access Our Website, including your internet connection, your internet protocol (IP) address, device identifier, your browser type, which websites you were visiting before coming to Our Website, which pages of Our Website you visit and how long you visit each page.

Cookies and Similar Tracking Technologies. A cookie is a small text file that is stored on your device through your browser. The cookies used by Our Website include both session-based cookies, which expire after you close your browser or turn off your computer, and persistent cookies, which remain on your device until you affirmatively remove them. Most web browsers automatically accept cookies, but you can set your browser to decline cookies.

We use this automatically collected information to analyze trends, to provide, administer, and improve Our Website and the Services, to track users' movements while using Our Website, to gather demographic information about our user base, and to market our products and services, and to monitor interactions with our marketing communications.

Mobile Applications

We may in the future offer certain mobile applications, including iOS and Android applications, for download. These mobile applications may collect additional information from Enrolled Patients. Enrolled Patients will be provided with information about additional information collected from our mobile applications when setting up the application or at the point of information collection.

How We Use Your Information

In addition to the uses described above, we also use your information:

- to protect our interests or the interests of third parties;
- to maintain and enhance the security of our Services;
- to prevent abuse of our Services;
- to comply with our legal obligations;
- to perform or enforce our agreements; and

- for any other purpose with your consent.

Bases for Processing

The legal bases for our processing activities include:

- your consent;
- exercising our rights and performing our obligations in connection with the Services or entering into or performing under any contract we make with you;
- compliance with our legal obligations; and
- our legitimate interests that are not overridden by your interests or your fundamental rights and freedoms.

Sharing of Information with Third Parties

In this Privacy Policy we use the term “**Personal Information**” to mean any information about an Enrolled Patient that would allow a third party to determine such Enrolled Patient’s individual identity. We treat the “Protected Health Information” (as defined in the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, as amended and supplemented from time to time (“**HIPAA**”)) of Enrolled Patients receiving the Services in accordance with the requirements of HIPAA.

Clear Motion will not sell, trade, or otherwise disclose any Personal Information regarding an Enrolled Patient except in the circumstances set forth in this Privacy Policy.

We may share Personal Information and other data and information:

- with our affiliates in connection with the Services;
- with our independent contractors and other third parties we use to provide or support Our Website or the Services (in which case we will require them to comply with our Privacy Policy);
- to fulfill any purpose for which such information is provided;
- for all of the other purposes expressly described in this Privacy Policy (which, for the sake of clarity, shall include providing an Enrolled Patient’s Personal Information to his or her Medical Provider to assist such Medical Provider in remotely monitoring the physiological parameters of the Enrolled Patient);
- with the administrators and other agents of Medicare, Medicaid and other third party insurance companies that we bill for the Services or other products or services that we provide with respect to Enrolled Patients; or
- with the consent of the applicable Enrolled Patient.

We may also share Personal Information and other data and information:

- to comply with any court order, law, or legal process, including to respond to any government or regulatory request;
- to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets or equity securities, or to any such potential buyer that enters into a confidentiality agreement with us; or
- if we believe disclosure is necessary or appropriate to protect our rights, property, or interests, or the rights, property, or interests of third parties.

We may also use an Enrolled Patient's Personal Information in the manner and to the extent contemplated by such Enrolled Patient's Patient Participation Agreement.

We contract with one or more third parties for the provision of Devices to Enrolled Patients, and any information you provide directly to any such third party will be treated in accordance with the privacy policies of such third party.

Aggregate Data

Clear Medical may collect, collate, manipulate, aggregate, analyze and/or use Personal Information in a manner that separates from, omits, deletes or otherwise excludes from consideration (and from results or reports) information (i) from which any Enrolled Patient can be readily individually identified (such as name, address, social security number, account number) and (ii) the presence of which would cause the information collectively to qualify as "Protected Health Information" within the requirements of HIPAA (such data is collectively referred to as "De-Identified Data"). De-Identified Data, and all results, reports, analyses, collections, and information derived therefrom (the "Aggregate Data"), and all right, title and interest therein, shall be owned solely and exclusively by Clear Medical. As the sole owner of the Aggregate Data, Clear Medical shall be free to use, disclose, refuse disclosure of and dispose of the Aggregate Data and portions thereof for any purpose without permission from, restriction by, or accounting to any Medical Provider or Enrolled Patient, and neither any Medical Provider nor any Enrolled Patient shall have any rights therein.

Data Retention

We only store data and information for as long as is needed to fulfill our contractual or legal obligations or any other permissible purpose for which we have collected it, including to prevent fraud or security incidents. When the applicable retention period has expired, we may elect to take measures to permanently delete the information.

Security

We use commercially reasonable administrative, physical, and technical measures to safeguard your data and information and help protect it from unauthorized access. However, we cannot guarantee complete protection of your information since transmission via the internet is not 100% secure. You play an important role in keeping your data and information secure. You should not share your user name, password, or other security information for your account with anyone. If you have reason to believe that your interaction with us is no longer secure, please immediately notify us by contacting us as detailed in the “Contact Us” section.

Children and Privacy

We do not knowingly collect Personal Information from children under the age of thirteen (13) without parental consent. If you are a child under 13 years of age, you are not permitted to use Our Website or the Services without your parent’s prior written consent and should not send any information about yourself to us. In the event that we become aware that we have collected Personal Information from any child without your parent’s prior written consent, we will dispose of that information. If you are a parent or guardian and you believe that your child under the age of 13 has provided us with information without your consent, please contact us using one of the methods set forth the end of this Privacy Policy, and we will take reasonable steps to ensure that such information is deleted from our files.

Cross-Border Transfers

Sometimes we may need to transfer information to countries in which applicable laws may not offer the same level of data protection as the laws of your home country.

Individuals in the EEA: When we transfer information from individuals in the EEA to countries that have not received an adequacy finding under Article 45 of the GDPR, we act as a processor and rely on contractual arrangements with controllers under Article 46 of the GDPR or derogations for specific situations set forth in Article 49 of the GDPR in order to transfer your information across international borders. You may contact the applicable controller to request a copy of any applicable Article 46 agreement. When relying on a cross-border transfer mechanism under Article 49, we only collect and transfer your information to third countries: (i) with your consent; (ii) to perform a contract with you; or (iii) to establish, exercise, or defend legal claims. In addition to the foregoing rights, you have the right to lodge a complaint with a supervisory authority if you believe we have processed your information in a manner inconsistent with your privacy rights. We kindly request that you contact us first so that we may address your concern.

California Residents

In accordance with the California Consumer Privacy Act of 2018 (“CCPA”), the below chart reflects the categories of personal information we have collected from California residents both online and offline during the past twelve months, the categories of sources from which the information was collected, the business or commercial purpose

for which the information was collected, and the categories of third parties with whom we shared that information.

Categories of Personal Information Collected	Categories of Sources of Collection	Business/Commercial Purpose for Collection	Categories of Third Parties Receiving Personal Information
<p>Identifiers such as real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, social security number, driver's license number, passport number, or other similar identifiers.</p>	<p>Enrolled Patients; the Devices; Medical Providers; You; Third party sources; Our Website; Publicly available information.</p>	<p>Provide the Services with respect to Enrolled Patients and prove RPM Data to Medical Providers; Respond to questions; Provide you with information about our services; Enhance customer experience; Detect security incidents and protect against fraud or illegal activity; Conduct hiring and/or other human resources activities; For research, analysis, and product development; To evaluate or process a commercial transaction; As required by applicable law or government regulation.</p>	<p>Affiliates; Service providers; Medical Providers</p>
<p>Personal information categories listed in Cal. Civ. Code § 1798.80 such as name, signature, social security number, physical characteristics or description, address, telephone number,</p>	<p>Enrolled Patients; the Devices; Medical Providers; You; Third party sources; Our Website; Publicly available information.</p>	<p>Provide the Services with respect to Enrolled Patients and prove RPM Data to Medical Providers; Respond to questions; Provide you with information about our</p>	<p>Affiliates; Service Providers; Medical Providers</p>

<p>passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.</p>		<p>services; Enhance customer experience; Detect security incidents and protect against fraud or illegal activity; Conduct hiring and/or other human resources activities; For research, analysis, and product development; To evaluate or process a commercial transaction; As required by applicable law or government regulation.</p>	
<p>Protected classification characteristics under California or federal law such as age, race, national origin, citizenship, marital status, sex, gender identity, sexual orientation, medical conditions (including pregnancy or childbirth, physical or mental disability or related medical conditions), parental status, veteran or military status.</p>	<p>Enrolled Patients; the Devices; Medical Providers; You; Third party sources; Our Website; Publicly available information.</p>	<p>Conduct hiring and/or other human resources activities.</p>	<p>Affiliates; Service providers; Medical Providers</p>
<p>Commercial information such as records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming</p>	<p>We do not collect.</p>	<p>N/A</p>	<p>N/A</p>

histories or tendencies.			
Biometric information	We do not collect.	N/A	N/A
Internet or other similar network activity such as browsing history, search history, information on interactions with an internet website, application, or advertisement.	Enrolled Patients; the Devices; Medical Providers; You; Third party sources; Our Website	Provide the Services with respect to Enrolled Patients; Enhance customer experience; Detect security incidents and protect against fraud or illegal activity.	Affiliates; Service providers.
Geolocation data such as physical location or movements	Enrolled Patients; the Devices	Provide the Services with respect to Enrolled Patients	Affiliates; Service providers; Medical Providers
Sensory data such as audio, electronic, visual, thermal, olfactory, or similar information.	Enrolled Patients; the Devices	Provide the Services with respect to Enrolled Patients	Affiliates; Service Providers; Medical Providers
Professional or employment-related information such as current and prior employment, performance evaluations, and results of background checks	You; Third party sources; Publicly available information	Conduct hiring and/or other human resources activities.	Affiliates; Service providers.
Non-public education information as defined in 20 U.S.C. Section 1232g, 34 C.F.R. Part 99 such as education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades,	Enrolled Patients; Medical Providers; You; Third party sources	Provide the Services with respect to Enrolled Patients	Affiliates; Service Providers; Medical Providers

transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.			
Inferences drawn from other Personal Information to create a profile reflecting your preferences, characteristics, psychological trends, predispositions, behavior, attitude, intelligence, ability, aptitude, and any other inferences drawn from your personal information.	Enrolled Patients; the Devices; Medical Providers; You; Third party sources; Our Website	Provide the Services with respect to Enrolled Patients	Affiliates; Service Providers; Medical Providers

In the past twelve months, we have not sold personal information, and we have no actual knowledge of selling the personal information of minors under 16 years of age. California residents have the right to opt-out of the sale of their personal information, but because we do not sell personal information, we do not offer an opt-out.

Right to Know

California residents have the right to request that we disclose the categories and specific pieces of personal information we collected, used, and disclosed during the past twelve months, the categories of sources from which their personal information was collected, our business or commercial purposes for collecting their personal information, and the categories of third parties with whom we shared their personal information.

Right to Delete

California residents have the right to request deletion of the personal information we have collected from them.

Request Submission

California residents or their authorized agent can submit a request by emailing us at [\[legal@clearmedicalsistemas.com\]](mailto:legal@clearmedicalsistemas.com) or by calling us at [\[TOLL FREE NUMBER\]](#). You will need to provide us with personal information for us to match with information we have on file in order to verify your identity and

residency. The personal information that we use to verify your identity and residency will not be used for any other purpose.

Right to Non-Discrimination

California residents have the right to not receive discriminatory treatment for exercising their CCPA privacy rights. We do not discriminate against California residents who exercise their CCPA privacy rights.

Third Party Links

Our Website may contain links to other websites (“**Linked Sites**”). The Linked Sites are not under the control of Clear Medical and Clear Medical is not responsible for the privacy practices or contents of any Linked Site, including without limitation any link contained in a Linked Site, or any changes or updates to a Linked Site. Clear Medical is providing these links to you only as a convenience, and the inclusion of any link does not imply endorsement by Clear Medical of the Linked Site or any association with its operators.

Changes to This Privacy Policy

Clear Medical may occasionally update this Privacy Policy from time to time. The date this Privacy Policy was last updated will be reflected at the top of the Privacy Policy. Clear Medical encourages you to review this Privacy Policy periodically so that you are informed about the latest information regarding our privacy practices. Use of the Devices, our Services or Our Website following a change in this Privacy Policy indicates your consent to the revised Privacy Policy.

Contact Us

If you have any questions or comments regarding this Privacy Policy, our privacy practices, or if you wish to exercise your individual rights, please contact us by emailing us at legal@clearmedicalsystems.com.