

Privacy Policy

Date of Last Revision:
November 6, 2018

MyCardio, LLC dba SleepImage (“MyCardio”, “we” or “us”) provides US Food and Drug Administration (FDA) cleared, medical software (“Technology”) and a recorder device by or on behalf of MyCardio (collectively, the recorder device and the Technology referred to as the “Device”). The Device records ECG and movement (actigraphy) that is used with the Technology to aid clinical evaluation of sleep quality and sleep disorders, using electrocardiogram derived data independently or in combination with accelerometer data, for cardiopulmonary coupling (CPC) analysis, providing physiological data for the clinical analysis (“Sleep Data”).

The Technology is intended for use by or on the order of Healthcare Professionals (“Clinician Users”) to aid in the evaluation of sleep disorders and enables Clinician Users to provide, real-time Sleep Data information about individuals under their care (“Individuals”) for health and wellness via a web-enabled interactive platform (the “Platform”). The protection of your information is a shared responsibility of MyCardio and each user. MyCardio relies on users also taking steps to protect the privacy of their information, including protecting all passwords and user credentials used to access the Platform or any Sleep Data stored locally on a Device. In addition, we collect certain information via our website at www.sleepimage.com (including, without limitation, any subdomains thereof, our “Site”).

This Privacy Policy (“Policy”) applies to information we collect from you or that you may provide to us including personally identifiable information (“PII”), and our practices for collecting, using, maintaining, protecting and disclosing that information. This Policy applies to all information collected or used by us, or provided by you, whether such information results from your use of Device, registering for an Account (as defined below), submitting information via the Platform or the Site, and in email or other messages between you and this Site. It does not apply to information collected by any third party, including through any application or content that may link to or be accessible from the Site.

This Policy is incorporated into and is subject to the MyCardio Terms of Use Agreement (the “Agreement”). A User’s use of the Site and any PII provided by Individuals or Clinician Users on the Site remains subject to the terms of this Policy and the Agreement.

Please read this Policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Devices, the Site or the Platform. By accessing or using a Device, this Site or the Platform, you agree to this Policy.

CHANGES TO OUR POLICY

MyCardio reserves the right, in its sole and absolute discretion, to modify this Policy (in whole or in part) from time to time, and any such modification shall be immediately effective upon posting by MyCardio on the Site. The date this Policy was last revised is at the top of this page. If we make a material change to our Policy, we will provide notice to you (by email and/or posting on our Site) that our privacy practices have changed and will provide a link to the new policy. In the event we make a material change to how we use your PII, we will provide you with an opportunity to opt out of such new or different use. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting our Site and this Policy to check for any changes. Your continued use of a Device, this Site, or the Platform after we make changes is deemed to be acceptance of those changes, so please review this Policy regularly for changes and to ensure that you fully understand the terms and conditions

set forth herein. If you have any questions concerning this Policy, please email MyCardio at support@sleepimage.com.

PRIVACY PRINCIPLES

We follow the following principles in order to protect your privacy:

- We do not collect any more PII about you than is necessary;
- We only use your PII for the purposes we specify in this Policy, unless you agree otherwise;
- We do not keep your PII if it is no longer needed; and
- Other than as we specify in this Policy, we do not share your PII with third parties.

TYPES OF INFORMATION WE COLLECT.

When you visit our Site, use a Device, or register for an account on our Platform (“Account”), you may provide us one or more of the following types of information: PII, including personal health information (“PHI”), and non-personally identifiable information, such as information about your interaction with and use of the Site (“Usage Data”).

PII and PHI.

Whether you use the Device for general wellness or use it under the supervision of a Clinician User, PII is necessary for several reasons. First, the Device is an FDA-cleared medical device, which means that it can be available for purchase by Clinician Users that are licensed healthcare providers. In addition, Individuals may direct MyCardio to share their PHI with their Clinician User via the Platform, in which case we may ask that you provide certain PII to identify yourself.

When you set up and register for an Account we may collect information such as:

- Name;
- E-mail address;
- Gender;
- Location information;
- Date of birth.

You may choose not to provide your PII; however, setting up and creating an Account is a prerequisite for using the full functions of our Platform.

In addition, when you use your Account, we may collect the following types of PHI:

- ECG recording and accelerometer data;
- Activity level during monitoring; and/or
- Screening results.

HEALTH INFORMATION PRIVACY

PHI is entitled to special protections under the law, including the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). MyCardio makes the notice of Privacy Practices Concerning Personal Health Information available in accordance with the HIPAA Privacy Rule (a federal regulation officially known as the Standards for the Privacy of Individually Identifiable Health Information). The HIPAA Privacy Rule is distinct from MyCardio’s notice of Privacy Practices Concerning Personal Health

Information, which describes in detail your rights and MyCardio's obligations with respect to PHI that MyCardio may receive both online and offline. PHI is health information, including demographic information collected from an individual, and: (1) is created or received by a healthcare provider, health plan, or healthcare clearinghouse; and (2) relates to the past, present or future physical or mental health or condition of an individual, the provision of healthcare to an individual, or the past, present or future payment for the provision of healthcare to an individual, and (i) identifies the individual, or (ii) with respect to which there is a reasonable basis to believe the information can be used to identify the individual. Together, this Policy and the notice of Privacy Practices Concerning Personal Health Information describe how MyCardio uses a User's PHI (identified therein as personal health information). To better understand your rights under HIPAA and our practices relating to PHI, please see MyCardio's notice of Privacy Practices Concerning Personal Health Information, available at www.sleepimage.com.

Our Site includes functionality that permits you to make payment for certain products or services. We do not collect, access, view, or process your credit card or debit card information. This information is transmitted directly to our third-party payment processor, which uses secure, industry-standard encryption technologies to protect your information. We do store your shipping address and information about your order for customer service and quality reasons; and as a result, we may have access to your payment information.

Usage Data. In order to maintain and improve our services, we may collect non-personally identifiable Usage Data about how you use the Device, Platform, and Site. This information is collected by automated means including by using certain standard web measurement and tracking technologies such as "cookies," web server logs, or other statistics programs.

We may use cookies for things like:

- **Authentication:** to help us authenticate you to deliver personalized content.
- **Security:** to protect you, us, and others and help us detect fraud and other violations of our Agreement which can be found at www.sleepimage.com.
- **Performance:** to make our Site or Platform easier and faster to use.
- **Features:** to enable features and store information about you (including on your Device or in your browser cache) and your use of a Device or our Platform or this Site.
- **Analytics and Research:** to monitor and evaluate the use of Devices, the Platform, or our Site.

Your browser may have an option that allows you to accept cookies, reject cookies, or receive notification when a cookie is sent, but you should note that the use of such restrictive browser settings may limit your use of this Site or the Platform. To the extent that we pair any of this Usage Data with your PII, we will treat such Usage Data in accordance with this Policy.

You may be able to opt out of third-party advertiser and ad network placement of cookies for targeted advertising by visiting the following links: [Network Advertising Initiative](#), [Digital Advertising Alliance](#), and [Google Ads Settings](#). You will continue to receive generic ads by companies not listed with these opt-out tools.

You may also be able to disable placement of some (but not all) cookies by setting your browser to decline cookies, though this may worsen your user experience. If you delete your browser cookies, your opt-out cookie will also be deleted. Additionally, if you change computers or web browsers, you will need to opt out again. A useful resource for information about deleting and controlling cookies can be found at AboutCookies.org.

We use the following cookies:

Cookie Name	Purpose
Sid	User session key

Finally, we may de-identify your PII to make it anonymous and use it in an aggregate form, either alone or in combination with Usage Data to create reports about trends or analyses of treatments, disorders, or conditions, demographic information, and performance information about our Device. This type of information is referred to as “Aggregate Data” and has been de-identified in compliance with the U.S. Department of Health and Human Services’ Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule and does not identify you personally. We reserve the right to share Aggregate Data with third parties, including for marketing purposes or to publish Aggregate Data in white papers, publications, or reports.

HOW WE USE YOUR INFORMATION

We use the information we collect in a several different ways for a variety of purposes, including:

- To provide, develop, maintain, operate, and improve our services, Devices, Platform, and our Site;
- To provide you with information, products, or services that you request from us, including to track and calculate your Sleep Data;
- To share PHI with the Clinician Users;
- To send service messages and information about our services, Devices, Platforms, and our Site in which you may be interested;
- To communicate with you and respond to your customer service inquiries;
- To communicate with you about other products, services, and promotional events;
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- In any other way we may describe when you provide the information; and
- For any other purpose with your consent.

SHARING INFORMATION

We may disclose your information with our service providers, business partners, and others we use to support our business consistent with applicable law. However, if your consent is required by law, or we believe that your consent is appropriate in the circumstances, we will obtain your consent before sharing your PII. When we share your information with business partners, our agreements with these partners will limit the purposes for which your information can be used. We will not sell or rent your PII to third parties for their own purposes.

We only disclose and share your PHI under the circumstances described in our notice of [Privacy Practices Concerning Personal Health Information](#) which can be found at www.sleepimage.com.

We may also share your PII with our service providers, consultants, or related third parties in order to provide you with the products and services you request. For example, they may handle your Device orders, credit card processing, data management, email distribution, delivering the Device to you, or providing you with the Platform or Site as you requested. The service providers to whom we disclose your PII are obliged to use such only to provide services to us and are not authorized by us to use or disclose your PII except as

necessary to perform services on our behalf, as specifically authorized by us or you, or to comply with legal requirements.

We also may share your information to comply with any court order, law, or legal process, including to respond to any government or regulatory request.

MyCardio expressly reserves the right to transfer any and all such information including, without limitation, PII, to a buyer or other successor in interest of MyCardio that acquires rights to that information in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of MyCardio assets.

DATA SECURITY

MyCardio uses reasonable physical, administrative, and technical safeguards to preserve the integrity and security of PII. MyCardio attempts to restrict access to PII and PHI to those employees, agents, contractors, and representative who need access to perform their job functions, such as customer service personnel and technical staff. Please note that the electronic transmission of information is not completely secure. MyCardio cannot guarantee, ensure or warrant the security of any information transmitted to MyCardio. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Site. For any additional information about the security measures MyCardio uses on the Site, please contact MyCardio at support@sleepimage.com.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Site, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

HOW WE RESPOND TO DO NOT TRACK SIGNALS

Your web browser may let you choose your preference as to whether you want to allow the collection of information about your online activities over time and across different websites or online services. At this time, the Site and Platform do not respond to the preferences you may have set in your web browser regarding such collection of your information, and the Services may continue to collect information in the manner described in this Policy.

INFORMATION FROM CHILDREN

Our Site is not intended for children under eighteen (18) years of age. We do not knowingly collect or solicit PII from or communicate with children under the age of eighteen (18) via the Site. **YOU MAY NOT ESTABLISH AN ACCOUNT IF YOU ARE UNDER THE AGE OF EIGHTEEN (18) YEARS OF AGE.**

DATA TRANSFERS

The servers from which we provide the Platform and Site, and to which all Sleep Data, PII, and PHI are sent, are located in the United States. If you are physically located within the European Union, Asia, or any other region with laws or regulations governing PII collection, use, and disclosure that differ from United States laws, please be advised that you are transferring your PII and PHI to the United States and you consent to such transfer and the application of the laws of the United States and/or the State of Colorado with respect to any dispute arising from or related to such transfer.

YOUR RIGHTS

- **Request a Copy of your PII.** You have the right to request a copy of any PII that we hold about you. If you would like a copy of your PII, please contact us using the contact information below. We may request proof of your identity before sharing such information. If you discover that the information we hold about you is incorrect or out of date, you may ask us to correct that information by contacting us using the contact information below.
- **Cease Processing or Delete PII.** You may ask us to stop processing, or delete, the personally identifiable data we hold about you in certain circumstances. It may not be possible for us to process or delete all of the information we hold about you where we are fulfilling a transaction or have a legal basis to retain the information, however please contact us to discuss how we can assist you with your request.
- **Withdraw Consent.** When we process your information on the basis that you have consented to such processing, you have the right to withdraw your consent, or ask us to stop or restrict processing the PII we have about you, at any time by contacting us using the contact information below.
- **Portability.** You may also ask us to transfer your PII to a third party in certain circumstances. If you would like any further information about your rights or how to exercise them, please contact us using the contact information below.
- **Complaints.** If you are in the European Union, you have the right to make a complaint at any time to the relevant data protection authority in your country.
- **Retention.** We will retain your information for as long as needed to fulfill your requests, provide you services, comply with our legal obligations, resolve disputes, and enforce our agreements.
- **Unsubscribe.** If you receive marketing emails from us, you can unsubscribe to our emails by clicking “unsubscribe” within each email. You may not opt-out of service-related communications, which are not promotional in nature.

UNSUBSCRIBING, REMOVING OR MODIFYING YOUR INFORMATION.

To edit or delete any information contained in your Account, please login and update your profile. To unsubscribe from an email or other messaging, please follow the instructions in any email or messages you receive. You may also send us an email at support@sleepimage.com to request access to, correct, or delete any PII that you have provided to us. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

CALIFORNIA RESIDENTS.

California Civil Code Section 1798.83 permits Individuals who are California residents to request and obtain from us a list of what PII (if any) we disclosed to third parties for direct marketing purposes in the preceding calendar year and the names and addresses of those third parties. Requests may be made only once a year and are free of charge. Under Section 1798.83, MyCardio currently does not share any PII with third parties for their direct marketing purposes. To make such a request, please send an email to support@sleepimage.com.

OTHER TERMS AND CONDITIONS.

In addition to this Policy, your access to and use of any Device, the Platform, or our Site is subject to our Agreement which can be found at www.sleepimage.com including the disclaimer that MyCardio does not provide medical advice or information and only facilitates communication of Sleep Data for informational purposes between Individuals and their Clinician Users. **YOU SHOULD ALWAYS CONSULT YOUR DESIGNATED CLINICIAN USER REGARDING YOUR SLEEP DATA AND ANY RELATED CONDITION. IF YOU HAVE A MEDICAL EMERGENCY, ALWAYS CALL 911. WE ARE NOT**

RESPONSIBLE FOR ANY HEALTH CONDITION RELATED TO SLEEP DATA.

QUESTIONS?

If you have any questions about this Policy or MyCardio's information practices, privacy while using the Device, Platform, or our Site, or wish to review or update your information, please contact MyCardio at:

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