

## Privacy Policy

Date of Last Revision: February 2, 2015

MyCardio LLC dba SleepImage (“MyCardio”, “we” or “us”) provides FDA-cleared, medical-grade, wearable technology, including a software application loaded on the technology (collectively, the hardware and the pre-loaded application referred to as the “Device”) that tracks, records, and assesses sleep complaints and sleep dysfunctions using a combination of cardiopulmonary coupling (CPC), heart rate variability, and other physiological data (“Sleep Data”).

MyCardio enables individuals (“Individual Users”) to get immediate, real-time information about their Sleep Data for general wellness and enables Individual Users to share this information with their healthcare providers (“Clinician Users”), if such Individuals so choose, 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 secrecy and privacy of their information, including 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](http://www.sleepimage.com) (including, without limitation, any subdomains thereof, our “Site”).

This Privacy Policy (“Policy”) explains what information we collect, how we use that information, and what we do to protect it. This Policy applies to all personal data of individuals collected or used by us, whether such information results from your use of Device or by registering for an Account or submitting information via the Platform or the Site.

This Privacy 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 personal information an Individual User or Clinician User provides on the Site remains subject to the terms of this Policy and the Agreement.

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. It is important that you 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](mailto:support@sleepimage.com). If you do not agree to any changes made to this Policy, you should observe the Agreement and cease all use of the Site.

### **TYPES OF INFORMATION WE COLLECT.**

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

### **PII and PHI.**

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

When you set up and register for an Account we may collect the following types of PII:

- Name
- e-mail address
- gender
- date of birth
- demographic information

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:

- age;
- weight;
- prescribing physician and office;
- ECG recording;
- activity level during monitoring;
- and 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 individually identifiable 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, employer 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 individually identifiable personal information and health information (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](http://www.sleepimage.com).

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 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 Terms of Use Agreement which can be found at [www.sleepimage.com](http://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. No personally identifiable information is used in this process.

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](http://AboutCookies.org).

We use the following cookies:

Cookie Name	Purpose
<b>Sid</b>	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 track and calculate your Sleep Data;
- To provide Individual Users with the ability to store, review, and edit their PII and PHI on the Platform and to share their PHI with the Clinician Users that they designate and authorize;
- 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 fulfill any orders you place for our products or services; and
- To improve our product and services.

#### **SHARING INFORMATION.**

We may disclose your PII for permitted business purposes with our preferred service providers, business partners and others, 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 PII with business partners, our agreements with these partners will limit the purposes for which your PII can be used. We will not sell or rent your PII to third parties for their own purposes.

We will only disclose your PHI to your Clinician User, as directed by you at the time you set up your Account. Our Device, Site, and Platform is provided directly to Individual Users who direct us to share their PHI with the Clinician Users they authorize. We are not a business associate of any Clinician User. 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](http://www.sleepimage.com).

We may also share your PII with our preferred 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 personal information only to provide services to us, and are not authorized by us to use or disclose your personal information 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 information where required by law.

MyCardio expressly reserves the right to transfer any and all such information including, without limitation, personal information, to a successor in interest of MyCardio that acquires rights to that information as a result of the sale of MyCardio or the acquisition of all or substantially all of its assets.

#### **DATA SECURITY.**

MyCardio uses good faith physical, managerial and technical safeguards to preserve the integrity and security of User personal information. 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. MyCardio cannot, however, ensure or warrant the security of any information transmitted to MyCardio; users do so at their own risk. Unauthorized entry or use, hardware or software failure and other factors may compromise the security of your information at any time. For any additional information about the security measures MyCardio uses on the Site, please contact MyCardio at [support@sleepimage.com](mailto:support@sleepimage.com).

#### **INFORMATION FROM CHILDREN.**

We do not knowingly collect or solicit personal information from or communicate with children under the age of eighteen (18) via the Site. In certain circumstances, Individual Users of the Platform or Device may be under eighteen (18) years of age provided that they are under the direct supervision of a parent or legal guardian. In such cases, the parent or legal guardian is required to set up and be the owner of the Account and is solely responsible for monitoring all activity on such Account and for all PII and PHI collected via such Account. The parent or legal guardian may review, edit, or remove any PII or PHI contained in such Account. **YOU MAY NOT ESTABLISH AN ACCOUNT IF YOU ARE UNDER THE AGE OF EIGHTEEN (18) YEARS OF AGE EXCEPT AS DESCRIBED IN THIS SECTION.**

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 personal data 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.

If you believe that we have not adhered to this Policy, please contact us by e-mail at support@sleepimage.com. We will do our best to address your concerns. If you feel that your complaint has been addressed incompletely, we invite you to let us know for further investigation. If you and we are unable to reach a resolution to the dispute, we and you will settle the dispute exclusively under the pursuant to JAMS Comprehensive Rules or International Rules of JAMS International.

#### **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.

#### **CALIFORNIA RESIDENTS.**

California Civil Code Section 1798.83 permits Individual Users who are California residents to request and obtain from us a list of what personal information (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 personal information with third parties for their direct marketing purposes.

#### **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 Terms of Use Agreement which can be found at [www.sleepimage.com](http://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 Individual Users and their approved Clinician Users. **YOU SHOULD ALWAYS CONSULT YOUR DESIGNATED PHYSICIAN 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 regarding privacy while using the Device, Platform, or our Site, or have questions about MyCardio's practices, or wish to review or update your information, please contact MyCardio at:

Privacy Office (Legal Department)  
MyCardio  
370 Interlocken Blvd  
Suite 650  
Broomfield, CO 80021 USA  
email: [support@sleepimage.com](mailto:support@sleepimage.com)

## **PRIVACY POLICY UPDATES.**

This Privacy Policy is subject to revision at any time, and if MyCardio makes any substantial changes in the way it collects, use or disclose User Personal Information, MyCardio will at its own discretion post a notice on this page or send Users an e-mail. If a User objects to any such changes, the User must cease using the Website and Services. A User's continued use of the Website or Services following notice of any such changes shall indicate its acknowledgement of such changes and agreement to be bound by the terms and conditions of such changes.

SleepImage® is a registered trademark of MyCardio LLC.

February, 2015  
Doc D-x Rev 5.1