

# MyVitalScan PRIVACY POLICY & COMMITMENT

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## Preamble

LiveAssist Solutions Ltd., (“MyVitalScan”, “us”, “we” or “our”) provides this Privacy Policy (“Policy”) to inform you of our policies and procedures regarding the collection, use and disclosure of personally identifiable information we receive when you, as a user —

- Visit [MyVitalScan website](#) (including any subdomains of this website or other websites owned by us or operated on our behalf) (the “Website”);
- Download our application MyVitalScan (the “Application”);
- Using the MyVitalScan management tool;
- use any part of our services via the Website or the Application (the “Services”);
- Download or otherwise use any part of our software (the “Software”, and collectively with the Website, the Application, the Services, and any other product or service we provide, the “Product”).
- Our registered office is 412 Richmond Street East, Toronto, Ontario, Canada M5A 1P8. It is clarified that this Policy refers to personally identifiable information we receive from any of our Services, thus not all of the Policy’s provisions necessary apply to both Website and Application.

**Your privacy is important to MyVitalScan.**

**We wish to make sure you know how we collect, use, share and store your personal data when you use the Product.**

**By using the Application, the Services, or the Software, you consent to the privacy practices described in this Policy.**

Our Services are for general audience and are neither designed nor intended to collect personally identifiable information from children or minors. We do not knowingly collect personally identifiable information of persons below the age of 18. If you become aware that someone under the age of 18 has provided us with personally identifiable information, please contact us.

This Policy covers our collection, use and disclosure of your information through the Product and the Website. It does not cover any collection, use or disclosure by third parties through any applications, web sites, products or services that we do not control or own, such as Facebook, or any third-party features or services made available via the Product or the Website.

Please note: if your use of the Product or any of the Services is pursuant to an invitation from, or subject to a license purchased by, a customer of ours which is an organization with which you are affiliated or connected (an **“Organizational User”**), the Organizational User is the Controller or Owner of your personally identifiable information. In such case, we are merely a processor of the personally identifiable information on behalf of the Organizational User. Your data as an end-user will still be collected and processed as described hereunder. However, in those cases, your information is under the responsibility of the Organizational User, and any inquiry or complaint regarding your personally identifiable information should be addressed directly to it.

## A Summary of The Policy

### 1. Information That We Collect

As part of using any of our Services, the following information may be collected and processed by us:

- Your personally identifiable information, including contact and registration information such as your name, your organization’s name, email address to make sure your account is completely personalized, as well as information such as gender, birthdate, weight, height, etc.
- Payment details in order to process payments if you make any purchases.
- Vital signs such as: Heart Rate (BPM), Respiration (BPM), Stress level and HRV-SDNN (ms), and other calculated vital signs results and related data to track and maintain your historical measurement data. In order to extract vital-sign measurements, the Application uses only a video of a small patch of skin from the person’s face or finger, without any identifiable feature such as eyes. That information is processed in real-time, is not retained once the measurement ends and is not transferred to our servers.
- For trends and history, the Application saves measurement results only. Users can delete their measurement history from the app at any time.
- Contact info per any “Contact Us” form or “Newsletter Subscription” on the Website.
- Technical information related to you, such as IP addresses, browser information, mobile device information etc.
- Certain marketing or analytics or usage data, such as Cookies, Pixels, Web beacons, etc.

- Aggregated information such as statistical or usage data for any purpose. Such aggregated and statistical data may be derived from your personally identifiable information but does not reveal your identity.
- Sharing of Application's data with Apple's HealthKit Information, which is addressed in section 4 of this privacy policy.

## 2. How We Use Personally Identifiable Information

We use personally identifiable information to provide the Product, improve and develop it, provide better support, improve your user experience, and help you track your wellness, enforce terms, contact you or provide with information regarding our services, and protect us and the Product from misuse and law violations.

## 3. Information Sharing and Disclosure

We share information when we use service providers, for example, to process payments or host the services. We may transfer information when we change our corporate structure, and we will also share information when required to do so by law enforcement or compliance requests. When your use of the Product is under an Organizational User, your personally identifiable information is shared with such organization.

## 4. HealthKit shared information

This section of our privacy policy describes how the Application interacts and shares data with Apple HealthKit.

With your consent, the application enables sharing specific application measured results with Apple HealthKit. In such case, the application shares the information collected through the usage of the Application with Apple HealthKit, so such data will be stored as part of the User's HealthKit data, for the user's usage only. The Application does not retrieve the HealthKit information.

The Application's Information that can be shared and stored with HealthKit:

1. Pulse Rate
2. Respiration Rate
3. Heart Rate Variability (HRV) SDNN

Sharing of Application's data with Apples HealthKit is always subject to your prior consent. You can withdraw your consent to the application sharing with HealthKit at any time within the relevant Apple Inc. application (e.g., Apple Health). Withdrawing your consent will not prevent you from using the application.

Your HealthKit data is not being used for advertising, selling, or sharing to third party advertising platforms, data brokers or information resellers. Nor will we use your HealthKit Information for data-mining activities; and we will not disclose HealthKit Information to any third-party.

## **5. Your California Privacy Rights**

If you are a California resident, you may have certain rights. You can also request information about the third parties that we have disclosed your personally identifiable information to during the preceding year for their direct marketing purposes, and the types of categories of such personally identifiable information.

## **6. Your Choice**

You may opt-out of our mailing lists (except for operational emails) and terminate your use of the Services via the Website, or the application by applying the Organizational User. Our Services does not respond to Do Not Track (DNT) signals.

## **7. Accessing Your Personally Identifiable Information**

At any time, you can request to receive your personally identifiable information collected by us while using the Services via the Application.

## **8. Your EU Data Subject Rights**

If we process your personal data when you are in the EU, further terms apply to our processing in relation to your rights as a data subject under EU data protection laws.

## **9. Data Retention**

We retain data to provide the Services and for legitimate and lawful purposes.

## 10. Information Security

We implement systems, applications and procedures to secure your personally identifiable information, to minimize the risks of theft, damage, loss of information, or unauthorized access or use of information.

## 11. International Processing and Transfer

We use cloud-based services to store and process data in the European Union and in the United States and will store them at additional sites, at our discretion. These service providers provide us adequate security and confidentiality commitments. Any transfer of personally identifiable information that originates in the European Union (“EU”) to a country outside of the European Economic Area (EEA) shall be made in compliance with the provisions of the GDPR as stipulated hereunder.

## 12. Our Policy Towards Children

If you are under the age of 18, you do not have permission to use the Application.

## 13. Dispute Resolution

Contact us at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca) or write to us for any request or complaint. We will make good-faith efforts to resolve any existing or potential dispute with you, but reserve all rights to handle disputes through courts and authorities of competent jurisdiction to which this Policy is subject.

## 14. Changes to this Privacy Policy

We may update our Policy from time to time and give you notice once it is completed.

## 15. Incorporation to the Terms of Use

This Policy is also an integral part of the applicable MyVitalScan terms of use or any other agreement entered into between you (or the entity that you are acting on its behalf) and us with respect to your end-use of the Products.

- **Contact Us**– Please contact our Privacy team at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca) for further information.
- **Cookies Addendum**– We use cookies to make it easier for you to log-in and to facilitate activities.

# The MyVitalScan Privacy Policy

## 1. Controller and Processor

Where you are a direct user of the Product, a browser or visitor of our Services, or contacting us directly, we process your personally identifiable information as the controller, meaning that legally, we are deemed as the owner of your personally identifiable information. In those cases, and for GDPR purposes, we assume the role of Data Controller, and any of our external suppliers shall be deemed as Data Processor.

Where you use the Product or any of the Services under an Organizational User, the Organizational User is the owner of your personally identifiable information. In those cases, and for GDPR purposes, the Organizational User is the Data Controller, and us and/or any of our external suppliers shall be deemed as Data Processor who merely process your personally identifiable information on behalf of the Organizational User. That means, that in those cases your personally identifiable information is being managed under the control and instructions of the Organizational User, which is responsible for the lawful basis for processing (the legal justification allowing the processing), including any consent or disclosure relevant. Therefore, any inquiry or complaint regarding your personally identifiable information should be addressed directly to the Organizational User. With no prejudice to any legal obligations as a Processor, the Organizational User is responsible for the actions or use pertaining to your personally identifiable information.

## 2. Information That We Collect

### General

“Personally identifiable information” or “Personal Data” means any information about an individual from which that person can be identified.

As a condition to your use of the Product, we will ask you to provide us with certain personally identifiable information that we can use to contact or identify you and administer your account.

Personally identifiable information may include your name, gender, birthdate, weight, height, organization's name, email address, telephone number, contact person details. Additionally, we collect, and measure vital signs such as: HR, SpO2, Respiration, Stress level and SDNN.

When you contact us, or when we contact you, we will receive and process any personally identifiable information that you provide us.

When you use the Product, we may collect the following, as applicable:

- Information regarding your use of the Product and all information provided by you or recorded while you use the Product, including your preferences and other data relevant for customizing the Services for you;
- Information on your usage of the Product and download errors, as well as information related to your use of the Website that your browser sends whenever you visit the Website or use the Product (collectively “**Log Data**”). This Log Data could include, for example, your computer’s Internet Protocol address, browser type, login information, the web page you were visiting before you came to the Website and information you search for on the Website;
- Aggregated Data, allowing us, inter alia, to analyze and better understand your use of the Services including the full website (uniform resource locators (URL)) clickstream (history) to, through and from our Website (including date and time) etc.;
- Products you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks and mouse-overs), and methods used to browse away from the page.

When you use a widget or any other tool that may be offered by us, whether on the Website or on a third party website, including a website owned or operated by you, we may record data related to that activity, the deployment of the widget or tool and any other account related data.

### **Cookies usage**

Like other websites, our Website also uses “cookies” to collect information. A cookie is a small data file that is being implemented in your computer’s hard disk for record-keeping purposes.

We use “persistent cookies” to save your username and login credentials for future logins to the Website. We use “session ID cookies” to enable certain features of the Product, to better understand how you interact with the Website and Product and to monitor web traffic routing on the Website and aggregate usage of the Product. We also use “Analytics Cookies” or “Targeting Cookies” for better understanding yours, and other users’, needs and preferences to improve our Services and/or serve you with targeted advertisements that we believe will be relevant to you.

Please see [Addendum A: Cookie Policy](#), which identifies our privacy policy with respect to cookies in greater detail.

You can instruct your browser, by changing its options, or use the Cookies bar installed on the Website, to stop accepting cookies or to prompt you before accepting a cookie from the website you visit. If you do not accept cookies, however, you may not be able to use all portions of the Website or all functionalities of the Product.

### **Links to Other Websites**

Links to other websites are presented in a format that enables us to keep track of whether these links have been followed.

### **Third Party Sites**

This Privacy Policy applies only to our Website, Application, the Services and the Product. We do not exercise control over other websites that provide information, banners, advertisements, or links from within the Website, the Application or the Product.

These other sites may place their own cookies or other files on your machines, collect data or solicit personally identifiable information from you. Other websites follow different rules regarding the use or disclosure of the personally identifiable information that you submit. We encourage you to read the privacy policies and other terms of the other websites.

### **Job Applicants**

If you are voluntarily making a job application or inquiry through the Website, you may provide us with a copy of your CV or other relevant information that contains your personally identifiable information.

We will ask for your consent to use and save the information that you provide in your job application and will use this information for the purpose of considering your application or inquiry. Except when you explicitly request otherwise, we may keep this information for future reference.

### **Market Research**

If you participate in surveys through the Website, we may use your personally identifiable information to carry out market research. This research is conducted for our internal business and training purposes and will improve our understanding of our users' demographics, interests and behavior.

This research is compiled and analyzed on an aggregated basis and therefore does not individually identify any user.



## Aggregated Data

We use subsets of information collected through the Product and the Website in aggregated non identifying information (“**Aggregated Data**”) to compile statistical information and insights related to performance or use of the Product and Website, and use such statistical information and insights for improving and developing Products, generating reports, customizing Products and other uses specified in Section 2 (including without limitation for research purposes or public use in aggregated non identifying form). For further information on how we transfer and use such Aggregated Data, see the Transfer of Aggregated Data section in this Policy.

## 3. The Purposes of processing Personally and Non-Personally Identifiable Information

Personally identifiable information may be used for the following purposes:

- to provide you with any of our Services, including the Product and the Application,
- to administer your use of the Product and any accounts you may have with us, to personalize your experience,
- to monitor and analyze your use of the Product or any of the Services,
- to improve your user experience and help you track your wellness,
- to provide to you Product announcements,
- to provide you with further information and offers from us or third parties that we believe you may find useful or interesting, such as newsletters, marketing or promotional materials,
- on behalf of and according to instructions of a third party, such as our advertising partners,
- to enforce our terms of use, including managing the licensing of the Product,
- to comply with court orders and warrants, and assist law enforcement agencies, to collect debts, prevent fraud, misappropriation, infringements, identity thefts and any other misuse of the Service, and to take any action in any legal dispute or proceeding,
- to improve the Website, the Product and their accuracy,
- to contact you as per your request, manage our correspondence with you and provide you with customer service,
- as described in Section 4: Information Sharing and Disclosure.

We use information that is not personally identifiable for the above purposes and for:

- the technical administration of the Website,

- collecting and analyzing the use of the Website,
- improving the Website, the Product, and any of the Services,
- generating and deriving useful data and information concerning the interests, characteristic use behavior of our users,
- verifying that users of the Product meet the criteria required to process their requests, and
- Using the Aggregated Data as described herein.

### **Combined Information**

We combine certain personally identifiable information with non-personally identifiable information in order to allow us to create information packages and services that are better tailored to your interests and preferences. Among other things, linking this information may allow us generally to improve and personalize the Website and the Product. The Combined information is always treated and handled by us as part of your personally identifiable information, as it allows us to link the information to you.

### **Purchase of Products and Services**

If you purchase or use our Product or Services via the Website, we may use your personally identifiable information, as applicable, and (where applicable) payment information for purposes which include but are not limited to:

- verifying your credentials;
- verifying your usage of the Product and/or Services in accordance with the terms and conditions of your agreement with us;
- providing training sessions for which you have registered;
- providing maintenance and technical support;
- providing information about product upgrades, updates and renewals;
- generating logs, statistics and reports on service usage and service performance;
- developing and enhancing products and services;
- processing orders and generating billing information.

We will use collected information in order to contact you if necessary, including, but not limited to, sending you reminders and notices about the Product, sending commercial and marketing information about our Service, contacting you when you are using wrong paths to access the Website or are breaching restrictions on the use

of the Website. If you decide at any time that you no longer wish to receive such announcements, information or offers, please follow the unsubscribe instructions provided in the communication. We may also use this information to block IP addresses where there is misuse of the Website.

## 4. The Legal Basis for the processing of your information under the GDPR

We will only process and use your Personally identifiable information when the law allows us to, i.e., when we have a lawful basis for such usage (in terms of the GDPR). Such lawful and legal basis can be any of the following:

- Processing actions related to your requests or to carry out our obligations arising from any contracts entered between you and us. For example, providing you with our Services per your demand or purchase, or contacting you per “Contact” form filled by you;
- Our use of your information is necessary to meet responsibilities we have to our regulators, tax officials, law enforcement, or otherwise meet our legal obligations;
- Our use of your information is in our legitimate interest as a commercial organization. For example, to operate and improve our Services and keep people informed about our Products and Services. In these cases, we will look after your information at all times in a way that is proportionate and respects your privacy rights, making sure our legitimate interest is not overridden by your interests or fundamental rights and freedoms.

As detailed above, we do not rely on consent as a legal basis for processing your personally identifiable information. Yet, in any case, in which you have provided your consent to our processing of your information, you can withdraw this consent at any time by contacting us through the contact details provided above.

## 5. Information Sharing and Disclosure

We do not sell, rent or lease your personally identifiable information. We may disclose your personally identifiable information to third parties in a variety of circumstances in the ordinary course of operating our business, such as:

### Service Providers

We may employ third party companies and individuals to facilitate the Product, to provide the Product on our behalf and to perform services related to administration of the Product or the Website (including, without limitation, bill and credit card payment processing where and if relevant, maintenance, hosting and database

management services and administration). These third parties have access to your personally identifiable information only to perform the tasks for which we are retained. In addition, in any such case we will take steps to ensure the security and privacy of your personally identifiable information, and it will be subject to contractual terms ensuring the security and protection of any personally identifiable information under any such sub-processor, under applicable law provisions;

YOU FURTHER ACKNOWLEDGE THAT WE DO NOT CONTROL OR OPERATE THE SERVICES OF OUR SERVICE PROVIDERS WHICH ARE NOT PART OF OUR ORGANIZATION (SUCH AS HOSTING OR PAYMENT PROCESSING SERVICES), NOR DO WE CONTROL ORGANIZATIONAL USERS. WE SHALL HAVE NO LIABILITY WHATSOEVER WITH RESPECT TO OR IN CONNECTION WITH THE USE, TRANSFER, OR RETENTION OF INFORMATION BY SUCH SERVICES PROVIDERS OR ORGANIZATIONAL USERS, OR THE FAILURE OF SUCH PARTIES TO COMPLY WITH THIS PRIVACY POLICY OR ANY LAW OR REGULATION.

### **Organizational Users**

When your use of the Product is pursuant to the invitation from, or subject to a license purchased by an Organizational User, the Organizational User will have access to all or parts of the information related to you (including without limitation personal identifying information) provided by you or collected through the applicable Product. When you use a Product pursuant to such license or invitation, we understand that you have provided the Organizational User with your consent for sharing of your information with the Organizational User. While we require of our Organizational Users to abide by requirements substantially similar to these terms and by applicable law we cannot (and do not) ensure such compliance, and under no circumstances we will be held responsible for the Organizational User actions.

### **Compliance with Laws and Law Enforcement**

We cooperate with government and law enforcement officials and private parties in response to lawful requests and to comply with the law. We will disclose any information about you to government or law enforcement officials or private parties if we believe it necessary:

- to respond to lawful requests by public authorities, including to meet law enforcement or national security requirements, claims or legal processes (including but not limited to subpoenas);
- to protect our or a third party's property rights;
- to protect the safety of the public or any person;
- to prevent or stop any activity we may consider to be posing a risk of being illegal, unethical, inappropriate or legally actionable.

### **Sharing Data with Apple's HealthKit**

As described above, subject to your consent and permission, we will share some of the data collected in the Application with your Apple's HealthKit, for your own usage under Apple's terms and conditions.

### **Business Transfers**

We may sell, transfer or otherwise share some or all of our assets, including among others your personally identifiable information and Log Data, in connection with a merger, acquisition, reorganization or sale of all or substantially all of our applicable assets, or in the event of our bankruptcy.

### **Transfer of Aggregated Data**

We may share Aggregated Data generated as a result of your use of the Product, that includes non-personally identifiable information, anonymized aggregated personal information and/or Log Data, with third parties for industry analysis, demographic profiling, other commercial purposes and to deliver targeted advertising about other products and services.

We use the standard, commonly used analytics tools (e.g., Google Analytics, Mixpanel, Hotjar, etc. (and we will use additional or other analytics tools, from time to time, to learn about how you and other users use the Services, in support of our Services-related activities and operations. The privacy practices of these tools are subject to their own privacy policies.

It is clarified that any Aggregated Data shared in these contexts is based on anonymous, statistical or aggregated information and we share it with our partners only for legitimate business purposes. It does not contain personally identifiable information and it has no effect on your privacy, because there is no reasonable way to extract data from the aggregated information that we or others can associate specifically to your personally identifiable information.

## **6. Your California Privacy Rights**

We may collect the following categories of personal information from and about you: (a) Identifiers such as a name, telephone number, postal address, email address, account name, login information, IP address, or other similar identifiers; (b) financial information such as your credit/debit card details and your bank account details; (c) commercial information such as your payment transaction details from the payment service provider that processed your payments; (d) Internet or other electronic network activity information, including your browser

type, the web page you visited before you came to the Website, and information you search for on the Website; (e) professional or employment-related information, such as your company name.

California law requires that a business provide in its privacy notice a list of the categories of personal information it has in the preceding 12 months (1) disclosed for a business purpose, and (2) disclosed in exchange for valuable consideration (considered a “sale” under California law, even if no money is exchanged), as well as the categories of third parties to whom each category of personal information was disclosed or sold.

California law also grants its residents certain rights regarding the collection and use of their personal information. Subject to certain limitations, California residents have the following rights:

- **Right to know.** You have the right to know and request information about the categories and specific pieces of personal information we have collected about you within the last 12 months, as well as the categories of sources from which such information is collected, the purpose for collecting such information, and the categories of third parties with whom we share such information. You also have the right to know if we have sold or disclosed your personal information.
- **Right to delete.** You have the right to request the deletion of your personal information, subject to certain exceptions.
- **Right to non-discrimination.** You have the right to not be discriminated against for exercising any of the above-listed rights. We may, however, provide a different level of service or charge a different rate reasonably relating to the value of your personal information. If you are a California resident and would like to exercise any of the above rights, please submit your request via email at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca)

Please note that we may require additional information from you in order to honor your request, and there may be circumstances where we will not be able to honor your request. For example, if you request deletion, we may need to retain certain personal information to comply with our legal obligations or other permitted purposes. We will only use personal information provided in a verifiable consumer request to verify your identity or authority to make the request. If you are submitting a request through an authorized agent, the authorized agent must provide us with your signed written permission stating that the agent is authorized to make the request on your behalf. We may also request that any authorized agents verify their identity and may reach out to you directly to confirm that you have provided the agent with your permission to submit the request on your behalf.

Finally, if you are a California resident, California Civil Code Section 1798.83 permits you to request in writing a list of the categories of personal information relating to third parties to which we have disclosed personal

information during the preceding year, for the third parties' direct marketing purposes.

To make such a request, please contact us at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca)

## 7. Your Choice

At any time, you can unsubscribe from our mailing lists (except for operational emails) by sending us an opt-out request [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca) or by clicking on the "Unsubscribe" link at the bottom of all our emails.

Note that if one of our customers uploaded content to our Services with your personally identifiable information, then you can contact our customer who uploaded that content and request to remove your personally identifiable information.

At any time, you can exercise your following opt-out options:

- object to the disclosure of your personally identifiable information to a third party, other than (a) to third parties who act as our agents to perform tasks on our behalf and under our instructions, (b) when your use of the Product pursuant to the invitation from, or subject to a license purchased by, an Organizational User, in which case your information will be shared with the Organizational User so long as you use the Product as aforementioned; or
- object to the use by us of your personally identifiable information for a purpose that is materially different from the purposes for which we originally collected such information, pursuant to this Policy, or you subsequently authorized such use.

You can exercise your choice by contacting us at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca)

We request and collect minimal personally identifiable information that we need for the purposes that we describe in this Policy. Following the termination or expiration of the Services, we will stop collecting any personally identifiable information from or about you.

However, we will store and continue using or making available your personally identifiable information according with our data retention section in this Policy.

Web browsers offer a "Do Not Track" ("DNT") signal. A DNT signal is a HTTP header field indicating your preference for tracking your activities on a service or through cross-site user tracking. Our Services do not respond to DNT signals.

## 8. Accessing Your Personally Identifiable Information

If you find that the information on your account is not accurate, complete or up-to-date, please provide us the necessary information to correct it. At any time, you can contact us at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca) and request to access the personally identifiable information that we keep about you. We will ask you to provide us certain credentials to make sure that you are who you claim to be and to the extent required under the applicable law, will make good-faith efforts to locate your personally identifiable information that you request to access. If you are eligible for the right of access under the applicable law, you can obtain confirmation from us of whether we are processing personally identifiable information about you, and receive a copy of that data, so that you can –

- verify its accuracy and the lawfulness of its processing;
- request the correction, amendment or deletion of your personally identifiable information if it is inaccurate or if you believe that the processing of your personally identifiable information is in violation of the applicable law.

We will use judgement and due care to redact from the data which we will make available to you, personally identifiable information related to others.

## 9. Your EU Data Subject Rights

If EU data protection laws apply to the processing of your personal data by MyVitalScan, then the following terms apply: for the purposes of the Services provided through the Application pursuant to an invitation from an Organizational User, we are data controllers, or data processors as well. Where you are a direct user of the Product, we process your personal data as a data controller, the processing is based on the following lawful grounds:

- All processing of your personal data which are not based on the lawful grounds indicated below, are based on your consent;
- We process your account and payment details to perform the contract with you.
- We will process your personal data to comply with a legal obligation and to protect your and others' vital interests;
- We will further rely on our legitimate interests, which we believe are not overridden by your fundamental rights and freedoms, for the following purposes:
- Communications with you, including direct marketing where you are our client or a user of our client or Organizational User, or where you make contact with us through our website and other digital assets;



- Cyber security;
- Support, customer relations, service operations;
- Enhancements and improvements to yours and other users' experience with our services;
- Fraud detection and misuse of the Service.

Where MyVitalScan processes your personal data as a data processor, then in addition to your rights under other sections in this Policy, you have the following rights:

AT ANY TIME, CONTACT US AT [SUPPORT@MYVITALSCAN.CA](mailto:SUPPORT@MYVITALSCAN.CA) IF YOU WANT TO WITHDRAW YOUR CONSENT TO THE PROCESSING OF YOUR PERSONAL DATA. EXERCISING THIS RIGHT WILL NOT AFFECT THE LAWFULNESS OF PROCESSING BASED ON CONSENT BEFORE ITS WITHDRAWAL.

- Request to delete or restrict access to your personal data. We will review your request and use our judgment, pursuant to the provisions of the applicable law, to reach a decision about your request.
- If you exercise one (or more) of the above-mentioned rights, in accordance with the provisions of applicable law, you may request to be informed that third parties that hold your personal data, in accordance with this Policy, will act accordingly.
- You may ask to transfer your personal data in accordance with your right to data portability.
- You may object to the processing of your personal data for direct marketing purposes. Additional information about this right is available under the Choice section in this Policy.
- You have a right to lodge a complaint with a data protection supervisory authority of your habitual residence, place of work. However, we will appreciate the chance to deal with your concerns before you approach the authorities, so please feel free to contact us in the first instance.

A summary and further details about your rights under EU data protection laws, is available on the EU Commission's website at:

[https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens_en).

Note that when you send us a request to exercise your rights, we will need to reasonably authenticate your identity and location. We will ask you to provide us credentials to make sure that you are who you claim to be and will further ask you questions to understand the nature and scope of your request.

If we need to delete your personal data following your request, it may take some time until we completely delete residual copies of your personal data from our active servers and from our backup systems.

If you have any concerns about the way we process your personal data, you are welcome to contact our privacy team at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca) We will look into your inquiry and make good-faith efforts to respond promptly.

#### **Our Representation for data subjects in the EU**

We value your privacy and your rights as a data subject and our Data Processor for EU data subjects have therefore appointed Prighter as our privacy representative and your point of contact.

Prighter gives you an easy way to exercise your privacy-related rights (e.g. requests to access or erase personal data). If you want to contact us via our representative Prighter or make use of your data subject rights, please contact us at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca).



## **10. Data Retention**

We retain different types of information for different periods, depending on the purposes for processing the information, our legitimate business purposes as well as pursuant to legal requirements under the applicable law.

We retain personally identifiable information as part of our Services, to provide our customers with the Services, the Product and as needed to perform our business activities.

We may maintain contact details, to help us stay in contact with you.

We may need to keep the information about the payment transactions that you made for several years due to tax related requirements, for accounts settling, record keeping, archiving and legal issues.

We may keep aggregated non-identifiable information without limitation, and to the extent reasonable we will delete or de-identify potentially identifiable information, when we no longer need to process the information.

In any case, as long as you use the Services or the Product, we will keep information about you, unless we are required by law to delete it, or if we decide to remove it at our discretion.

## 11. Information Security

We are concerned with safeguarding your information. We employ a variety of measures designed to protect your information from unauthorized access and disclosure. We implement systems, applications and procedures to secure your personally identifiable information, to minimize the risks of theft, damage, loss of information, or unauthorized access or use of information.

We take reasonable steps to maintain the security of the personally identifiable information that we collect, including limiting the number of people who have physical access to our database servers, as well as installing electronic security systems that guard against unauthorized access.

However, no one can guarantee a completely secured data transmission over the Internet. Accordingly, we cannot ensure or warrant the security of any information that you transmit to us, so you do so at your own risk. If you have been given log-in details to provide you with access to certain parts of our Website (for example our Customer Portal), you are responsible for keeping those details confidential.

If you receive an email asking you to update your personally identifiable information, do not reply and please contact us at [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca)

## 12. International Processing or Transfer

We store and process information within the European Union and in the United States and Canada on our cloud-based services' sites.

From time to time, we will make operational decisions which will have an impact on the sites in which we maintain personally identifiable information. We make sure that our data hosting service providers, provide us with adequate confidentiality and security commitments.

Any transfer of data that originates in the EU to a country outside of the European Economic Area (EEA) shall be made in compliance with the provisions of chapter 5 of the GDPR. Such transfer can be made to countries recognized as providing an adequate level of legal protection, or under alternative arrangements to protect your privacy rights, e.g., signing the Standard Contractual Clause published by the EU committee.

It is essential to note that we are headquartered in Canada, which the European Data Protection Board considers as offering an adequate level of Personally identifiable information protection regulation.

### 13. Our Policy Towards Children

If you are under the age of 18, you do not have permission to use the Application. If a parent or guardian becomes aware that his or her child has provided us with personally identifiable information without their consent, he or she should contact us at [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca). If we become aware that a minor has provided us with personally identifiable information, we will delete such information from our files.

### 14. Dispute Resolution; Governing Law and Venue

We do periodic assessments of our data processing and privacy practices, to make sure that we comply with this Policy, to update the Policy when we believe that we need to, and to verify that we display the Policy properly and in an accessible manner. If you have any concerns about the way we process your personally identifiable information, you are welcome to contact our privacy team at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca), or write to us. Our address is published on our website at: [www.MyVitalScan.ca/privacy\\_policy](http://www.MyVitalScan.ca/privacy_policy) and, if applicable, is indicated in your subscription agreement with us.

We will look into your query and make good-faith efforts to resolve any existing or potential dispute with you, but reserve all rights to handle disputes through courts and authorities of the competent jurisdiction to which this Policy is subject.

Any disputes or claims arising out of or in connection with this Policy, will be governed by and construed in accordance with the laws of the territory specified in your applicable engagement agreement with us (aside from this Policy), and if none, then, if you are located in the ~~Americas~~ USA, this Policy shall be governed by the laws of the State of Delaware, without regard to its conflict or choice of laws principles and any and all disputes concerning this Policy shall be brought in the federal and state courts of the state of Delaware having jurisdiction thereof. If you are located in the rest of the world (excluding the USA), this Policy shall be construed and enforced in all respects in accordance with the laws of the Province of Ontario, Canada, without reference to principles of conflict or choice of law and the courts located in the Province of Ontario, Canada shall have exclusive jurisdiction over any dispute or matter in connection with this Policy. You irrevocably waive any and all claims and defenses you might otherwise have in any such action or proceeding in any of such courts based upon any alleged lack of personal jurisdiction, improper venue, forum non conveniens or any similar claim or defense.

## 15. Changes to the Privacy Policy

We will update this Policy from time to time. If we make any changes to this Policy, we will post a notice of these changes on the Application or the Website and in this Policy. If the updates have minor if any consequences, they will take effect 7 days after we post a notice on the Website. Substantial changes will be effective 30 days after we initially posted the notice. Continuing to use the Services after the new policy takes effect means that you agree to the new policy. Note that, despite the foregoing, if we need to adapt the Policy due to legal requirements, the new policy will become effective immediately or as required by law.

## 16. Incorporation to the Terms of Use

This Policy is an integral part of the applicable MyVitalScan terms of use or any other agreement entered into between you (or the entity that you are acting on its behalf) and us with respect to your end-use of the Products.

## 17. Contact Us

Please contact our Privacy Compliance Team at: [support@MyVitalScan.ca](mailto:support@MyVitalScan.ca) for further information.

**Last Update:** December 11, 2022

# Addendum A

## The Cookies Policy

MyVitalScan (“us”, “we” or “our”) uses cookies on the [www.MyVitalScan.ca](http://www.MyVitalScan.ca) website (the “website”). By using the website, you consent to the use of cookies.

Our Cookies Policy explains what cookies are, how we use cookies, how third-parties we may partner with may use cookies on the website, your choices regarding cookies and further information about cookies.

## What Are Cookies?

Cookies are small pieces of text sent to your web browser by a website you visit. A cookie file is stored in your web browser and allows the Services or a third-party to recognize you and make your next visit easier and the Services more useful to you.

Cookies can be “persistent” or “session” cookies. Persistent cookies remain on your personal computer or mobile device when you go offline, while session cookies are deleted as soon as you close your web browser.

## How Does We Use Cookies?

When you use and access the website, we may place a number of cookies files in your web browser.

We use cookies for the following purposes:

- To enable certain functions of the website;
- To provide analytics;
- To store your preferences;
- To enable advertisements delivery, including behavioral advertising;
- We use both session and persistent cookies on the Services and we use different types of cookies to run the Services.

**Essential cookies.** We may use cookies to remember information that changes the way the website behaves or looks, such as a user’s language preference on the website.

**Accounts-related cookies.** We may use accounts-related cookies to authenticate users and prevent fraudulent use of user accounts. We may use these cookies to remember information that changes the way the website behaves or looks, such as the “remember me” functionality.

**Analytics cookies.** We may use analytics cookies to track information how the website is used so that we can make improvements. We may also use analytics cookies to test new advertisements, pages, features or new functionality of the website to see how our users react to them (e.g., Google Analytics, Mixpanel, Hotjar etc.).

**Advertising cookies.** These types of cookies are used to deliver advertisements on and through the website and track the performance of these advertisements. These cookies may also be used to enable third-party

advertising networks to deliver ads that may be relevant to you based upon your activities or interests (e.g., Google's Cookies, Facebook's pixels, LinkedIn, HubSpot, etc.).

### Third-Party Cookies

In addition to our own cookies, we may also use various third-parties' cookies to report usage statistics of the website, deliver advertisements on and through the Service, and so on.

### What Are Your Choices Regarding Cookies?

If you'd like to delete cookies or instruct your web browser to delete or refuse cookies, please visit the help pages of your web browser, or use the designated Cookies Bar in the Website.

Please note, however, that if you delete cookies or refuse to accept them, you might not be able to use all of the features we offer, you may not be able to store your preferences, and some of our pages might not display properly.

For the Chrome web browser, please visit this page from

Google: <https://support.google.com/accounts/answer/32050>

For the Internet Explorer web browser, please visit this page from

Microsoft: <http://support.microsoft.com/kb/278835>

For the Firefox web browser, please visit this page from Mozilla: <https://support.mozilla.org/en-US/kb/delete-cookies-remove-info-websites-stored>

For the Safari web browser, please visit this page from Apple: <https://support.apple.com/en-us/HT201265>

For any other web browser, please visit your web browser's official web pages.

### Where Can You Find More Information About Cookies?

You can learn more about cookies and the following third-party websites:

All About Cookies: <http://www.allaboutcookies.org/>

Network Advertising Initiative: <http://www.networkadvertising.org/>

### Third Party Cookies

Facebook

- Privacy Policy: <https://www.facebook.com/privacy/explanation>

- Cookies: <https://www.facebook.com/policies/cookies/>

## Twitter

- Privacy Policy: <https://twitter.com/en/privacy>
- Cookies: <https://help.twitter.com/en/rules-and-policies/twitter-cookies>

## Google Analytics

- Privacy Policy: <http://www.google.com/intl/en/analytics/privacyoverview.html>
- Amazon Web Services
- Privacy Policy: <http://aws.amazon.com/privacy/>

## Salesforce

- Privacy Policy: <http://www.salesforce.com/company/privacy/>

## Azure

- Privacy Policy: <https://azure.microsoft.com/en-us/support/legal/>

## LinkedIn

- Privacy Policy: <https://www.linkedin.com/legal/privacy-policy>
- Cookies: <https://www.linkedin.com/legal/cookie-policy>

## Mailchimp

- Privacy policy: <https://mailchimp.com/legal/privacy/>
- Cookies: <https://mailchimp.com/legal/cookies/>

## HubSpot

- Privacy Policy: <https://legal.hubspot.com/privacy-policy>
- Cookies: <https://legal.hubspot.com/cookie-policy>

## Hotjar



- Privacy Policy: <https://www.hotjar.com/legal/policies/privacy/>
- Cookies: <https://help.hotjar.com/hc/en-us/articles/115011789248-Hotjar-Cookie-Information>

The list above may be amended from time to time.

### **Third-Party Applications and Services**

All use of third-party applications or services is at your own risk and subject to such third party's privacy policies.