

Athelas Inc.
Privacy Policy

Effective Date: June 25, 2021

PRIVACY POLICY

Please read the following carefully to understand Our views and practices regarding your (“Your”) Personal Data.

WE AT ATHELAS INC. (“We”, “Us”, “the Company”) VALUE YOUR PRIVACY AND ARE COMMITTED TO KEEPING YOUR PERSONAL DATA CONFIDENTIAL. WE USE YOUR DATA SOLELY IN THE CONTEXT OF PROVIDING THE ATHELAS APPLICATION AND WEB PORTAL (THE “PLATFORM”) AND ALL OF ITS CONTENT AND FUNCTIONALITY (COLLECTIVELY, THE “SERVICES”) FOR USE BY QUALIFIED PHYSICIANS (“PROVIDER USERS”) TO PATIENTS (“PATIENT USERS”). YOU ARE EITHER A PROVIDER USER OR A PATIENT USER.

THIS PRIVACY POLICY APPLIES TO PERSONAL DATA THE COMPANY COLLECTS FROM USERS OF THE ATHELAS PLATFORM AND THE SERVICES. **“PERSONAL DATA” INCLUDES ANY INFORMATION THAT CAN BE USED ON ITS OWN OR WITH OTHER INFORMATION IN COMBINATION TO IDENTIFY OR CONTACT ONE OF OUR USERS.** WE BELIEVE THAT TRANSPARENCY ABOUT THE USE OF YOUR PERSONAL DATA IS OF UTMOST IMPORTANCE. IN THIS PRIVACY POLICY, WE PROVIDE YOU DETAILED INFORMATION ABOUT OUR COLLECTION, USE, MAINTENANCE, AND DISCLOSURE OF YOUR PERSONAL DATA. THE POLICY EXPLAINS WHAT KIND OF INFORMATION WE COLLECT, WHEN AND HOW WE MIGHT USE YOUR PERSONAL DATA, HOW WE PROTECT PERSONAL DATA, AND YOUR RIGHTS REGARDING YOUR PERSONAL DATA.

Patients Users: SOME OF THE PERSONAL DATA WE COLLECT AND TRANSMIT MAY BE CONSIDERED “HEALTH DATA” (data related to a Your physical or mental health), “PROTECTED HEALTH INFORMATION” or “PHI” (information that relates to Your past, present, or future physical or mental health or condition(s); the provision of health care to You; or the past, present, or future payment for the provision of health care to You), and/or MEDICAL RECORDS as defined by state law. THEREFORE, OUR PRIVACY PRACTICES ARE INTENDED TO COMPLY WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (“HIPAA”) AND NORTH CAROLINA STATE LAW RELATED TO THE USE AND DISCLOSURE OF MEDICAL RECORDS, WHERE APPLICABLE. FOR ADDITIONAL INFORMATION RELATED TO HOW WE USE AND DISCLOSE YOUR HEALTH DATA, PHI, AND/OR MEDICAL RECORDS DATA, PLEASE CONTACT OUR PRIVACY OFFICER, DANIEL BRIAN, AT PRIVACY@ATHELAS.COM.

Patients User: **BY SUBMITTING YOUR PERSONAL DATA THROUGH THE PLATFORM, YOU ARE ACKNOWLEDGING THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS PRIVACY POLICY.** IF YOU DO NOT AGREE, PLEASE DO NOT SUBMIT ANY PERSONAL DATA TO US AND IMMEDIATELY CEASE USE OF THE SERVICES.

PLEASE NOTE THAT **WE OCCASIONALLY UPDATE THIS PRIVACY POLICY AND THAT IT IS YOUR RESPONSIBILITY TO STAY UP TO DATE** WITH ANY AMENDED VERSIONS. IF WE MODIFY THIS PRIVACY POLICY, WE WILL POST A LINK TO THE MODIFIED TERMS ON OUR WEBSITE AND/OR NOTIFY YOU VIA THE EMAIL ADDRESS YOU HAVE PROVIDED TO US. YOU CAN STORE THIS POLICY AND/OR ANY AMENDED VERSION(S) DIGITALLY, PRINT IT, OR SAVE IT IN ANY OTHER WAY. ANY CHANGES TO THIS PRIVACY POLICY WILL BE EFFECTIVE IMMEDIATELY UPON PROVIDING NOTICE, AND SHALL APPLY TO ALL PERSONAL DATA

WE MAINTAIN, USE, AND DISCLOSE. IF YOU CONTINUE TO USE THE SERVICES FOLLOWING SUCH NOTICE, YOU ARE AGREEING TO THOSE CHANGES.

If You have any questions or concerns after reading this Privacy Policy, please do not hesitate to contact Us at support@athelas.com. We appreciate Your feedback.

If at any point You no longer agree to the use and disclosure of Personal Data, as described in this Privacy Policy, You can delete Your account by requesting deletion by emailing support@athelas.com with the subject line “REQUEST FOR PERSONAL DATA DELETION” and requesting account deletion.

Responsible Entity

The Company is the controller of Your Personal Data and may process this data in accordance with this Privacy Policy. If We are processing Personal Data on behalf of a third party that is not an agent or affiliate of Company, the terms of this Privacy Policy do not apply—instead, the terms of that third party’s privacy policy will apply. You can contact Us with any questions about Our Privacy Policy at support@athelas.com.

Links to Other Sites

Our Platform may contain links to websites and services that are owned or operated by third parties (each, a “**Third-party Service**”). Any information that You provide on or to a Third-party Service or that is collected by a Third-party Service is provided directly to the owner or operator of the Third-party Service and is subject to the owner’s or operator’s privacy policy. We are not responsible for the content, privacy or security practices and policies of any Third-party Service. To protect Your information, We recommend that You carefully review the privacy policies of all Third-party Services that You access.]

What Personal Data do We collect?

The types of Personal Data We collect are described below.

Demographic Data

We may collect demographic information, such as Your name, birth year, gender, height, weight, phone number, and email address, and if you are a Provider User, Your National Provider Identifier (“NPI”). Primarily, the collection of Your Personal Data assists Us in creating Your User Account, which You can use to securely to receive the Services.

Payment Data

If You make payments via Our Platform, We may require that You provide to Us Your financial and billing information, such as billing name and address, credit card number or bank account information.

Support Data

If You contact Us for support or to lodge a complaint, We may collect technical or other information from You through log files and other technologies, some of which may qualify as Personal Data. (e.g., “IP address”). Such information will be used for the purposes of troubleshooting, customer support, software updates, and improvement of the Platform and related Services in accordance with this Privacy Policy. Calls with Athelas may be recorded or monitored for training, quality assurance, customer service, and reference purposes.

Device, Telephone, and ISP Data

We use common information-gathering tools, such as log files, cookies, Web beacons, and similar technologies to automatically collect information, which may contain Personal Data, from Your computer or mobile device as You navigate our Platform interact with emails We have sent You. The information We collect may include Your IP address (or proxy server), device and application identification numbers, location, browser type, Internet service provider and/or mobile carrier, the pages and files You viewed, Your searches, Your operating system and system configuration information, and date/time stamps associated with Your usage. This information is used to analyze overall trends, to help Us provide and improve Our Services and to guarantee their security and continued proper functioning.

For Patient Users: Health and Device Data

In addition to demographic information, We may collect information regarding Your health conditions, including medical history, symptoms, physiologic data recorded by our Devices, and communications between You and the healthcare provider providing healthcare services to You via the Platform. We collect this information to provide You with the Services and to provide Your healthcare provider providing healthcare services through the Platform with the information required to provide medical treatment.

How will We use Your Personal Data?

We process Your Personal Data based on legitimate business interests, the fulfillment of Our Services to You, compliance with Our legal obligations, and/or Your consent. We only use or disclose Your Personal Data when it is legally mandated or where it is necessary to fulfill those purposes described herein. Where required by law, We will ask for Your prior consent before doing so.

Specifically, We process Your Personal Data for the following legitimate business purposes:

- To fulfill Our obligations to You under the Terms of Use (athelas.com/terms-of-use);
- To communicate with You about and manage Your User Account;
- To properly store and track Your data within Our system;
- To respond to lawful requests from public and government authorities, and to comply with applicable state/federal law, including cooperation with judicial proceedings or court orders;
- To protect Our rights, privacy, safety, or property, and/or that of You or others by providing proper notices, pursuing available legal remedies, and acting to limit Our damages;
- To handle technical support and other requests from You;
- To enforce and ensure Your compliance with Our Terms of Use or the terms of any other applicable services agreement We have with You;
- To manage and improve Our operations and the Platform, including the development of additional functionality;
- To manage payment processing;
- To evaluate the quality of service You receive, identify usage trends, and thereby improve Your user experience;
- To keep Our Platform safe and secure for You and for Us;
- To send You information about changes to Our terms, conditions, and policies;
- To allow Us to pursue available remedies or limit the damages that We may sustain; and
- If you are a Patient User, to enable You to connect with (or share Personal Data with) the authorized Provider User to enable that individual to monitor Your progress and overall condition, as she/he deems appropriate.

Where is Your Personal Data processed?

Personal Data We collect through the Platform and Devices will be stored on secure servers. Personal Data may be transmitted to third parties, which parties may store or maintain the data on their secure servers.

Will We share Your Personal Data with anyone else?

For Patient Users: Yes, with the Provider User with whom You connect via the Services.

We will share information you provide to Us via the Services with the Provider User with whom You connect via the Services. If, at any point, You want to deny access to one or more Provider Users, you can do so by emailing support@athelas.com.

Yes, with third parties that help Us power Our Services

We have a limited number of service providers and other third parties (“Business Partners”) that help Us run various aspects of Our business. These Business Partners are contractually bound to protect Your Personal Data and to use it only for the limited purpose(s) for which it is shared with Us. Business Partners’ use of Personal Data may include, but is not limited to, the provision of services such as data hosting, IT services, customer service, and payment processing.

Yes, with third parties and the government when legal or enforcement issues arise

We may share Your Personal Data, if reasonable and necessary, to (i) comply with legal processes or enforceable governmental requests, or as otherwise required by law; (ii) cooperate with third parties in investigating acts or omissions that violate this Privacy Policy or the Terms of Use; or (iii) bring legal action against someone who may be violating the Terms of Use or who may be causing intentional or unintentional injury or interference to the rights or property of Athelas or any third party, including other users of Our Services.

Yes, with third parties that provide advisory services

We may share Your Personal Data with third parties that provide use services, including but not limited to, Our lawyers, auditors, accountants, or banks, when We have a legitimate business interest in doing so.

Yes, with third parties in the event of a reorganization, merger, sale, joint venture, assignment, transfer, or other disposition of all or any portion of Athelas’ corporate entity, assets, or stock (including in connection with any bankruptcy or similar proceedings)

If We share Your Personal Data with a third party other than as provided above, You will be notified at the time of data collection or transfer, and You will have the option of not permitting the transfer.

How long do We retain Personal Data?

We will retain Your Personal Data for as long as You maintain a User Account and up to six years after the account is closed. The exact period of retention will depend on the type of Personal Data, Our

contractual obligation to You, and applicable law. We keep Your Personal Data for as long as necessary to fulfill the purpose for which it was collected, unless otherwise required or necessary pursuant to a legitimate business purpose outlined in this Privacy Policy. At the end of the applicable retention period, We will remove Your Personal Data from Our databases and will request that Our Business Partners remove Your Personal Data from their databases. If there is any data that We are unable, for technical reasons, to delete entirely from Our systems, We will put in place appropriate measures to prevent any further processing of such data. We retain anonymized data indefinitely.

NOTE: Once We disclose Your Personal Data to third parties, We may not be able to access that Personal Data any longer and cannot force the deletion or modification of any such information by the parties to whom We have made those disclosures. Written requests for deletion of Personal Data other than as described should be directed to support@athelas.com.

What is Our Cookie Policy?

Cookies are small files that a web server sends to Your computer or device when You visit a web site that uses cookies to keep track of Your activity on that site. Cookies also exist within applications when a browser is needed to view certain content or display certain content within the application. Cookies hold a small amount of data specific to that web site, which can later be used to help remember information You enter into the site (like Your email or other contact info), preferences selected, and movement within the site. If You return to a previously visited web site or application (and Your browser has cookies enabled), the web browser sends the small file to the web server, which tells it what activity You engaged in the last time You used the web site or application, and the server can use the cookie to do things like expedite logging in and retrieving user data and keeping Your browser session secure.

We use cookies and other technologies to, among other things, better serve You with more tailored information, and to facilitate efficient and secure access to the Platform. We only use essential cookies. Essential cookies are those necessary for Us to provide services to You. We have provided, below, a full list of our cookies, categorized as described above. We have described the purpose of each, whether they are Athelas or Third-Party cookies, and how to withdraw consent to their use. We have also indicated which cookies are “session cookies” (which last for as long as You keep Your browser open) and “persistent cookies” (which remain on Your hard drive until You delete them or they expire).

We may also collect information using pixel tags, web beacons, clear GIFs, or other similar technologies. These may be used in connection with some web site or application pages and HTMLformatted email messages to, among other things, track the actions of users and email recipients, and compile statistics about usage and response rates.

Essential Cookies:

<i>Cookie Name, Who Controls It, and Duration</i>	<i>Purpose</i>	<i>Information Collected</i>	<i>How to Withdraw Consent</i>
__stripe_sid Stripe Expires in 2 days	To identify and authenticate the user as a stripe customer	A generated token that allows stripe to associate you with a given customer	Do not use our Services if You do not want to receive this cookie

__stripe_mid Stripe Expires in 1 yr.	To identify and authenticate the user as a stripe customer	A generated token that allows stripe to associate you with a given customer	Do not use our Services if You do not want to receive this cookie
intercom-session Intercom Expires in 1 wk.	To pass session information to intercom for customer support chat	Cookie contains Intercom session information	Do not use our Services if You do not want to receive this cookie
Google analytics Google Expires in 2 yrs	To allow Google to provide numerous services	Cookie contains Google analytics session id	Do not use our Services if You do not want to receive this cookie

How can You “Opt Out” of Cookies?

If You prefer, You can usually choose to set Your browser to remove cookies and reject cookies. If You enable a do not track (“DNT”) signal or otherwise configure Your browser to prevent Athelas from collecting cookies, You will need to reenter Your user name each time You visit the login page.

How do We protect Your Personal Data?

Athelas is committed to protecting the security and confidentiality of Your Personal Data. We use a combination of reasonable physical, technical, and administrative security controls to maintain the security and integrity of Your Personal Data, to protect against any anticipated threats or hazards to the security or integrity of such information, and to protect against unauthorized access to or use of such information in Our possession or control that could result in substantial harm or inconvenience to You. However, Internet data transmissions, whether wired or wireless, cannot be guaranteed to be 100% secure. As a result, We cannot ensure the security of information You transmit to Us. By using the Platform, You are assuming this risk.

Safeguards

The information collected by Athelas and stored on secure servers, is protected by a combination of technical, administrative, and physical security safeguards, such as authentication, encryption, backups, and access controls. If Athelas learns of a security concern, We may attempt to notify You and provide information on protective steps, if available, through the email address that You have provided to Us. Depending on where You live, You may have a legal right to receive such notices in writing.

You are solely responsible for protecting information entered or generated via the Platform that is stored on Your device and/or removable device storage. Athelas has no access to or control over Your device’s security settings, and it is up to You to implement any device level security features and protections You feel are appropriate (e.g., password protection, encryption, remote wipe capability, etc.). We recommend that You take any and all appropriate steps to secure any device that You use to access Our Platform.

NOTWITHSTANDING ANY OF THE STEPS TAKEN BY US, IT IS NOT POSSIBLE TO GUARANTEE THE SECURITY OR INTEGRITY OF DATA TRANSMITTED OVER THE INTERNET. THERE IS NO GUARANTEE THAT YOUR PERSONAL DATA WILL NOT BE ACCESSED, DISCLOSED, ALTERED, OR DESTROYED DESPITE THE IMPLEMENTATION OF OUR PHYSICAL, TECHNICAL, OR ADMINISTRATIVE SAFEGUARDS. THEREFORE, WE

DO NOT AND CANNOT ENSURE OR WARRANT THE SECURITY OR INTEGRITY OF ANY PERSONAL DATA YOU TRANSMIT TO US AND YOU TRANSMIT SUCH PERSONAL DATA AT YOUR OWN RISK.

In instances where You have authorized the Company to use and disclose Your Personal Data for certain purposes, You may withdraw Your consent in the future. You may withdraw Your consent by sending Your request in writing to: Support@athelas.com or ATHELAS INC., Attn: Website Support, 160 S Whisman Rd., Mountain View, CA 94041. Please note that Your withdrawal will not be effective until We receive Your request and will not apply to uses and disclosures that We have already made in reliance on Your consent.

How can You Protect Your Personal Data?

In addition to securing Your device, as discussed above, We will NEVER send You an email requesting confidential information such as account numbers, usernames, passwords, or social security numbers, and You should NEVER respond to any email requesting such information. If You receive such an email that looks like it is from Us, DO NOT RESPOND to the email and DO NOT click on any links and/or open any attachments in the email, and notify Athelas support at support@athelas.com.

You are responsible for taking reasonable precautions to protect Your user ID, password, and other User Account information from disclosure to third parties, and You are not permitted to circumvent the use of required encryption technologies. You should immediately notify Us at support@athelas.com if You know of or suspect any unauthorized use or disclosure of Your user ID, password, and/or other User Account information, or any other security concern.

Your rights

You have certain rights relating to Your Personal Data, subject to applicable data protection laws. These rights may include:

- to access Your Personal Data held by Us;
- to erasure/deletion of Your Personal Data, to the extent permitted by applicable data protection laws;
- to receive communications related to the processing of Your Personal Data that are concise, transparent, intelligible, and easily accessible;
- to restrict the processing of Your Personal Data, to the extent permitted by law (while We verify or investigate Your concerns with this information, for example);
- to object to the further processing of Your Personal Data, including the right to object to marketing;
- to request that Your Personal Data be transferred to a third party, if possible;
- to receive Your Personal Data in a structured, commonly used, and machine-readable format;
- to lodge a complaint with a supervisory authority;
- to rectify inaccurate Personal Data and, taking into account the purpose of processing the Personal Data, ensure it is complete;
- to not be subject to a decision based solely on automated processing, including profiling, which produces legal effects ("Automated Decision-Making"); and

Where the processing of Your Personal Data by Us is based on consent, You have the right to withdraw that consent without detriment at any time or to exercise any of the rights listed above by emailing Us at support@athelas.com.

How can You update, correct, or delete Personal Data?

You can change Your email address and other contact information by contacting us at support@athelas.com. If You need to make changes or corrections to other information, You may contact us at support@athelas.com. Please note that in order to comply with certain requests to limit use of Your Personal Data, We may need to terminate Your account and Your ability to access and use the Services, and You agree that We will not be liable to You for such termination or for any refunds of prepaid fees paid by You. You can deactivate Your account by request at support@athelas.com.

Although We will use reasonable efforts to do so, You understand that it may not be technologically possible to remove from Our systems every record of Your Personal Data. The need to back up Our systems to protect information from inadvertent loss means a copy of Your Personal Data may exist in a nonerasable form that will be difficult or impossible for Us to locate or remove.

Can You “OPTOUT” of receiving communications from Us?

We pledge not to market third party services to You without Your consent. We only send emails or SMS text messages to You regarding Your account unless We have Your express consent to do so. You can choose to filter these emails using Your email client settings, but We do not provide an option for You to opt out of these emails.

Information submission by minors

We do not knowingly collect Personal Data from individuals under the age of 18. Our Services are not directed to individuals under the age of 18. We request that these individuals not provide Personal Data to Us. If We learn that Personal Data from users less than 18 years of age has been collected, We will deactivate the account and take reasonable measures to promptly delete such data from Our records. If You are aware of a user under the age of 18 using the Web Site, please contact Us at support@athelas.com.

If You are a resident of California under the age of 18 and have registered for an account with Us, You may ask Us to remove content or information that You have posted to Our Platform.

California Residents

California residents may request and obtain from Us, once a year, free of charge, a list of third parties, if any, to which We disclosed their Personal Data for direct marketing purposes during the preceding calendar year and the categories of Personal Data shared with those third parties. If You are a California resident and wish to obtain that information, please submit Your request by sending Us an email at support@athelas.com with “California Privacy Rights” in the subject line.

Contact Us

If You have any questions about this Privacy Policy, please contact Us by email at support@athelas.com or write to Us at ATHELAS INC., 160 S Whisman Rd, Mountain View CA 94041. Please note that email communications are not always secure; so please do not include sensitive information in Your emails to Us.