

Privacy Policy

Last Modified: September 8, 2021

1. Introduction

Ferment (“Ferment” “we”, “us” or “our”) respects your privacy and we are committed to protecting it through our compliance with this privacy policy (“Privacy Policy”). We have created this Privacy Policy to inform you of our policies regarding the collection, use and disclosure of personal information and the choices you have associated with that information.

This Privacy Policy applies to all personal information collected during any written, electronic, and oral communications or collected online or offline, which include:

- All webpages and websites that link to this Privacy Policy (the “Site”)
- Any mobile, web, console, desktop and other applications you download from this Site, which provide dedicated non-browser-based interaction between you and this Site.
- When you interact with our advertising and applications on third party websites and services, if those applications or advertising include links to this Privacy Policy.
- Via our health consultants and laboratories.

BY USING THIS SITE, YOU CONSENT TO THE COLLECTION AND USE OF THE PERSONAL INFORMATION IN ACCORDANCE WITH THIS PRIVACY POLICY. IF YOU DO NOT FEEL COMFORTABLE WITH ANY PART OF THIS POLICY, YOU SHOULD NOT USE OR ACCESS OUR SITE OR SERVICES.

2. Changes to our Privacy Policy

We may modify or amend this Privacy Policy at any time, without prior notice, and changes may apply to any Personal Information we hold about you, as well as any new personal information collected after the Privacy Policy is modified. We will notify users of any material changes (as determined by us) that we make to our Privacy Policy via our website or our partners' ("Partner") websites. You are also responsible for visiting this Privacy Policy from time to time to check for any changes. All changes are effective immediately when we post them, and they apply to all access to and use of the Site and our services ("Services") from that point onward. If you use our Site or Services after we make changes to our Privacy Policy, you acknowledge and agree to the current version of the Privacy Policy. Notwithstanding any modifications we may make, any personal information and web browsing or tracking information collected by us from you will be treated in accordance with the Privacy Policy in effect at the time such information was collected, unless we obtain your consent otherwise.

We also may provide additional "just-in-time" disclosures or additional information about the data collection, use and sharing practices of specific Services. Such notices may supplement or clarify our privacy practices or may provide you with additional choices about how we process your personal information.

This Site is offered and available to users who are 18 years of age or older (except with parental consent). We do not collect or maintain personal information from people we actually know are under 18 years old (except with parental consent). Except with parental consent, if we obtain actual knowledge that a user is under 18 years old, we will use our best efforts to remove that person's information from our database. If you are not 18 years of age or older and you do not have parental consent, you must not access or use our Services.

3. What Information Do We Collect?

We collect several types of information from and about users of our Services.

Account and Personal Demographic Information

- **Account Information.** You must provide certain information in order to receive our Services (“Account Information”). This information may include your name, email address, shipping address, phone number, credit card or other payment information, the password you create, date of birth, survey responses, and biological sex. Your account information also includes records and copies of any correspondence with you and details of any transactions you carry out through Services.
- **Self-Reported Information.** Ferment or our Partners may ask you to provide data about yourself (your “Self-Reported Information”), including demographic data such as personal and family medical history, age, physical features such as eye color, behavioral information such as exercise habits, or self-declared ethnicity.

Biological Information. You may provide us with biological sample(s) when using our Partner’s sample collection kit to allow us to perform COVID-19 testing (“Test”) (“Biological Information”). In connection with such of our Services, we and/or one of our Partners collects, processes, and stores the biological sample(s) you provide.

Computer, Device and Browsing Information. As you interact with our Services (including our website or our Partners’ websites), we, and/or our Partners, may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and usage patterns. This data may include details like these:

- Details of your visits to our Services and/or our Partners, which could include:
 - the resources that you access and use on these Services;
 - the external sites that referred you to our Services; and
 - the external sites that you visited just after visiting our Services.
- Information about your computer or device and internet connection, which could include:
 - your IP address or other device ID;
 - your operating system; and
 - your browser or device type.

The information collected helps us, and/or our Partners to improve our Services. It also helps us to deliver better and more personalized features to you by enabling us, and/or our partners to recognize you when you return to our, and/or our Partners' Services, by storing information about your preferences and customizing Services according to your individual interests, and by administering a survey or other feature of Services. It also helps us, and/or our Partners to provide targeted advertising, estimate our audience size and usage patterns, and monitor the success of our marketing activities.

The technologies used for this automatic data collection may include cookies. You may refuse to accept browser cookies through your browser settings. However, if you select this setting, you may be unable to access certain parts of our, and/or our Partners' Services. Unless you set your browser to refuse cookies, our, and/or our Partners' system may issue cookies when you direct your browser to our Services.

4. How Do We Use Your Information?

Except as otherwise described in this Privacy Policy, we do not share your information with third parties without your consent, unless it is de-identified and/or aggregated data. Aggregated data includes data derived from personal information

and also data collected by us from other sources; in its de-identified or aggregated form, it does not identify or relate to any individual. We will use information that we collect about you or that you provide to us only as described in this Privacy Policy:

To provide and improve our Services. Your information is primarily used to present and provide Services to you.

This includes the following:

- providing you appropriate search results and personalized content;
- verifying your identity;
- recognizing you when you return to Services;
- notifying you about updates or changes to Services or any services offered or provided through it; and
- providing you with information or services that you otherwise have requested.

To improve our Services or to develop new products and services, your information may be used as follows:

- to track your usage of Services;
- to administer a survey;
- to perform quality control and quality improvement activities;
- to conduct data analysis about audience size and usage trends;
- to conduct marketing campaigns and targeted online advertising; and
- to monitor the success of marketing activities.

With your consent for the Services. With your consent, as described in our Informed Consent we, and/or our partners do the following:

- collect and send your sample for processing at a CLIA-certified and/or CAP-accredited laboratory;
- analyze your biological sample(s);
- store any sample and extracted material that are left over after analysis at a CLIA-certified and/or CAP-accredited laboratory; and
- share your relevant information with a Partner(s) in order to provide the Services.

In the following two subsections, we describe how your Biological Information and Self-Reported Information in particular, is used:

Biological Information. When you use a sample collection kit to submit a sample for purposes of conducting the COVID-19 test (“Test”), we and/or our Partners generate and store your Biological Information. We and/or our Partners may offer updates to the Services as they are developed. If you choose to receive updates, we will use certain portions of your Biological Information to produce your report. In some cases, we may provide or facilitate some interpretations of your Biological Information with Partners that can be accessed in connection with the Test. Once we have shared your Biological Information with the Partner, the Partner’s own privacy policy will govern the Partner’s collection, use, processing, storage, disclosure, and transfer of your Biological Information. You should review the partner’s privacy policy with care before you engage their product.

Your Biological Information may be combined with that of other users as “aggregated data set/s.” Aggregated data set/s does not include any data that would reasonably permit someone to identify you individually.

Self-Reported Information. Your Self-Reported Information may be combined with your Biological Information to improve interpretations of your Biological Information, including future products developed through Ferment and/or our Partners. Some

products and/or services may require this information for purposes of interpreting your Biological Information, but it is up to you whether to utilize these services and provide this information. If you do not provide this information, you may not be able to use certain services. If you provide Self-Reported Information to us, we may share this information with certain partners with your permission to facilitate their products and related services.

5. When Do We Share Your Information?

We will share your Biological Information and relevant Account Information and Self-Reported Information with our Partners only after you have authorized us to do so in connection with providing the Services. When you access an Ferment product or one of our Partner's products that includes a companion kit, we will share the needed information with the Partner so that the Partner can fulfill your order. We enter into a written agreement with each Partner that requires the Partner to do the following:

- maintain the confidentiality and security of the Biological Information, Account Information, and Self-Reported Information shared with them; and
- use the Biological Information, Account Information, and Self-Reported Information only for the specific purposes that you have authorized.

We may disclose Account Information, Self-Reported Information, and information about your usage of our Services other than your Biological Information only in the following circumstances:

- To contractors, service providers, and other third party vendors we use to support our business (such as for payment processing and the sample collection kit shipment), and who are bound by contractual obligations to keep

personal information confidential and use it only for the purposes for which we disclose it to them.

- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Ferment, our users or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

We may also disclose your personal information, including your Biological Information:

- To comply with law, a valid court order, a judicial proceeding, subpoenas, warrants, bankruptcy proceedings, or in connection with any legal process, provided that we will not disclose your Biological Information without a valid subpoena or search warrant specific to your Biological Information. If we are required to disclose your information, we will do our best to provide you with notice in advance, unless we are prohibited by law from doing so.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, in which information held by us about our users is among the assets transferred. This Privacy Policy would continue to apply to information collected while it was in place.

We may publicly share descriptive statistics about aggregated data set/s, de-identified and aggregated Self-Reported Information, and usage of our, and/or Partners' Services.

In case of your death or incapacitation, we may provide access to your account with us, including test results therein, to your verified executor or legally authorized representative. If you are seeking such access, you may contact us and/or the

Partner you accessed the Services through. Other than as described above, we will never provide your information to anyone for any purpose under any circumstances.

6. Partnerships

In order to provide the Services, our software platform provider, IX Layer Inc. (“ixLayer”), has partnered with PWNHealth, LLC, and certain of its affiliates (“PWNHealth”) to provide certain laboratory and clinical oversight support services, including health consultants, in connection with the Test. By using the Services, you grant us, ixLayer and PWNHealth the right, power, and authority to act on your behalf to access and transmit your information for the purpose of conducting the Test. You agree to your information being transferred, stored, and processed by PWNHealth in accordance with its Privacy Policy available at <https://www.pwnhealth.com/privacy-policy/>.

7. What Choices Do You Have About How We Use and Share Your Information?

We strive to provide you with choices about the information you provide to us and our Partners. We have the following mechanisms to give you the following controls over your information:

Tracking Technologies and “Do Not Track.” You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of our website or our partners’ websites may not be accessible or not function in the proper way. We rely on third party ad networks to deliver relevant advertising messages on our behalf. Because we do not deliver or track online ads, we currently do not “listen” or respond to your selection of the “Do Not Track” option provided by your browser.

Advertising Networks. We work with advertising service providers that collect non-personally identifying information from you when you visit the Site and other websites, in order to show ads for our Services that we think may be of interest to you after you visit our Services. If you do not wish to receive our personalized ads, you can visit the opt-out pages of the Network Advertising Initiative (<https://www.networkadvertising.org>) or the Digital Advertising Alliance (<http://www.aboutads.info>) to learn about how to opt out of receiving personalized ads from their member companies.

Google Analytics We may work with Google Analytics to better understand our audience and users, to improve our marketing campaigns, and to enhance our services. You can learn more about Google Analytics' privacy choices or opt out at any time.

If we have sent you a promotional email or other informational email not related to your order or account, the email will have an "unsubscribe" feature that will allow you to opt-out of receiving future email distributions. We will not use your Biological Information to promote our Services or those of our Partners.

Sharing Information with Partners. We will not provide your Biological Information and relevant Account Information and Self-Reported Information to any Partner until you have agreed to allow the Partner to receive and use such information. Information that has been shared with a Partner based on your consent will be subject to that Partner's privacy policy. It is important to review the privacy policies of our Partners so that you can make an informed choice about products you access and the information you share. To request removal of your Partner information storage and access, please refer to their specific policies or contact them.

Sharing Biological Information with Others. It is your choice to decide whether and with whom to share your Biological Information. This Privacy Policy focuses on how

we handle your Biological Information to protect your privacy. However, you may also choose to share your Biological Information with others yourself. You should be careful about doing so.

8. How Do You Access, Correct, or Remove Your Information?

In General. You may contact us to request access to, correct, or remove any personal information that you have provided to us and/or our Partners. We may not accommodate a request to change information if we believe the change would violate any law or legal obligation or requirement or cause the information to be incorrect. Information that has already been de-identified and/or aggregated (including aggregated data set/s) may not be retrievable or traced back for correction or removal from any database.

Account Closure. You may also close your account with us (“Account”) by contacting us or through your account settings. After closure of your account, you will not be able to access any Services from us without creating a new account.

After you close your Account, we retain some Account Information in your account related to your Service history. This enables us to provide ongoing support regarding your prior Services, and is also necessary for accounting, audit, and compliance purposes. We may also retain backup copies and archival files of your information to satisfy our state and federal legal obligations or regulatory requirements, including those set by the College of American Pathology (CAP) and/or Clinical Laboratory Improvement Amendments (CLIA). However, we will not share your information with any Partner or third party, except for information that has already been shared with your consent.

Information (including your Biological Information) that has been shared with a partner with your express consent will be subject to such partner’s privacy policy. If you choose to stop sharing your information with a given partner in your account

settings or by contacting us, we will inform that partner of your request, but cannot guarantee that the partner will remove, de-identify or delete your information. You can request such removal, de-identification or deletion directly from the partner.

9. How Do We Keep Your Information Secure?

We limit access to your information to our employees and contractors who we believe need access to it to provide Services to you or to do their jobs. In addition, we put in place industry standard physical, technical, and procedural safeguards designed to secure your Account Information, Self-Reported Information, Biological Information, and any other personal information from accidental loss and from unauthorized access, use, alteration, and disclosure.

Although we take reasonable precautions, the transmission of information via the internet cannot be guaranteed to be 100% secure. We continue to evaluate and identify improved security techniques to protect your personal information. However, we cannot guarantee that your information will not be accessed, altered or lost through a breach of any of our physical and electronic safeguards. We also cannot guarantee a Partner's ability to secure and protect your information. You should review each Partner's privacy policy and security practices with care before you access their product.

10. California Residents

This section applies only to California residents. Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), below is a summary of the "Personal Information" categories, as identified and defined by the CCPA (see California Civil Code section 1798.140 (o)), that we collect, the reason we collect your Personal Information, where we obtain the Personal Information, and the third parties with whom we may share your Personal Information. We do not generally sell information as the term "sell" is traditionally understood. However, if and to the extent "sale"

under the CCPA is interpreted to include advertising technology activities such as those implemented specifically for interest-based advertising, we will comply with applicable law as to such activity.

We generally collect the following categories of Personal Information about you when you use our Site or services:

- identifiers such as a name, address, unique personal identifier, email, phone number, your device's IP address, software, and identification numbers associated with your devices;
- protected classifications, such as gender;
- commercial information such as records of products or services purchased, obtained, or considered by you;
- health information;
- Internet or other electronic information regarding you browsing history, search history, the webpage visited before you came to our Site, length of visit and number of page views, click-stream data, locale preferences, your mobile carrier, date and time stamps associated with transactions, and system configuration information;
- your geolocation, to the extent you have configured your device to permit us to collect such information
- audio recordings of your voice to the extent you call us, as permitted under applicable law;
- inferences about your preferences, characteristics, behavior and attitudes.

We collect your Personal Information for the business purposes described in this Privacy Policy. The CCPA defines a "business purpose" as the use of Personal Information for the business's operational purposes, or other notified purposes, provided the use of Personal Information is reasonably necessary and proportionate

to achieve the operational purpose for which the Personal Information was collected or another operational purpose that is compatible with the context in which the Personal Information was collected.

The categories of third parties with whom we may share your Personal Information are listed in Section 5 above.

If you are a California resident, you have rights in relation to your Personal Information; however, your rights are subject to certain exceptions. For instance, we cannot disclose specific pieces of Personal Information if the disclosure would create a substantial, articulable, and unreasonable risk to the security of the Personal Information, your account with us or the security of our network systems.

- Right Against Discrimination - You have the right not to be discriminated against for exercising any of the rights described in this section. We will not discriminate against you for exercising your right to know, delete or opt-out of sales.
- Right to Know - You have the right to request in writing: (i) a list of the categories of personal information, such as name, address, email address, that a business has disclosed to third parties during the immediately preceding calendar year for the third parties' direct marketing purposes, and (ii) the names and addresses of all such third parties. In addition, you have the right to request: (i) the categories of personal information we have collected about you, (ii) the categories of sources from which personal information is collected, (iii) the business or commercial purpose for the information collection, (iv) the categories of third parties with whom we have shared personal information, and (v) the specific pieces of personal information we hold about an individual. You have the right to request a copy of the specific

Personal Information we collected about you during the 12 months before your request.

- Right to Delete - You have the right to request us to delete any Personal Information we have collected from you or maintain about you, subject to certain exceptions. To assert your right to know or your right to delete your Personal Information, please contact us according to the “Contact Information” section below. To verify your identity, we may ask you to verify Personal Information we already have on file for you. If we cannot verify your identity from the information we have on file, we may request additional information from you, which we will only use to verify your identity, and for security or fraud-prevention purposes.
- Right to Opt-Out of Selling. As described in this Privacy Policy, in certain situations we may share your Personal Information with our Partners, third parties or affiliates for our marketing or other purposes. To the extent such sharing is considered a “sale” under the CCPA, as a California resident you have the right to opt-out of such sharing. If you would like us to no longer share your Personal Information in this way, please email **info@ferment.com**. If you opt-out, we may be unable to offer you some of our Services which require sharing of Personal Information. In addition, California Civil Code Section § 1798.83 permits users of our Site that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes (if applicable). To make such a request, please send an email to us (see Contact Information below).

11. Questions or Comments

To ask questions or comment about this Privacy Policy and our privacy practices, you may contact us at **info@ferment.com**.