

PRIVACY PRACTICES CONCERNING PERSONAL HEALTH INFORMATION

SleepImage

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MyCardio, LLC dba SleepImage (“MyCardio”, “we” or “us”) provides US Food and Drug Administration (FDA) cleared, Software as a Medical Device (“Technology”) that accepts data from certain recorder devices identified for use by MyCardio (collectively, the recorder device and the Technology referred to as the “Device”). The recorder device records certain information and data that is used with the Technology to aid clinical evaluation of sleep quality and sleep disorders, using this information or data independently or in combination with other data, for cardiopulmonary coupling (CPC) analysis, providing physiological data for the clinical analysis (“Sleep Data”).

The Technology is intended for use by or on the order of healthcare professionals (“Clinician Users”) to aid in the evaluation of sleep disorders and enable Clinician Users to provide, Sleep Data information about individuals under their care (“Individuals”) for health and wellness via a web-enabled interactive platform (the “Platform”). We collect certain information via our website at www.sleepimage.com, including, without limitation, any subdomains thereof and any related mobile application (collectively, the “Site”). In order to access and use the Site or a Device, registration is required to create an account on the Platform (“Account”) for use by administrative users (“Admin Users”) and for Clinician Users (the Admin Users and Clinician Users are referred to collectively as “Users” and individually as a “User”) and Individuals under their care. The protection of each User’s and Individual’s information is a shared responsibility of MyCardio and each User that has access to or otherwise uses such information. MyCardio relies on Users also taking steps to protect the privacy of their information, including protecting all passwords and User credentials used to access the Platform or any Sleep Data stored locally on a Device.

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

MyCardio and Users are required by applicable local law to maintain the privacy of Individuals personal health information. Users may be a supplier of an Individuals personal information. The supplier of Individual’s personal health information must also follow the privacy practices that are described in this Notice of Privacy Practices. As a supplier of Individual’s personal health information, the Users are required make this Notice of Privacy Practices available to Individuals and give the Individuals a copy of this Notice of Privacy Practices about our privacy practices, our legal duties and Individual’s rights concerning Individual’s personal health information. MyCardio makes this Notice of Privacy Practices available to Users and Individuals only on the Site.

Any use of the Site and any PII provided by Users or supplied on behalf Individuals on the Site remains subject to the terms of this this Notice of Privacy Practices.

THIS NOTICE OF PRIVACY PRACTICES DESCRIBES HOW MEDICAL INFORMATION ABOUT INDIVIDUALS MAY BE USED AND DISCLOSED AND HOW INDIVIDUALS CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. THE PRIVACY OF INDIVIDUALS' PERSONAL HEALTH INFORMATION IS IMPORTANT TO US.

THIS NOTICE OF PRIVACY PRACTICES IS ONLY APPLICABLE TO INDIVIDUALS IF INDIVIDUALS SUPPLY PERSONAL HEALTH INFORMATION TO MYCARDIO. FOR MYCARDIO'S GENERAL PRIVACY POLICY AND FOR MYCARDIO'S TERMS OF USE AGREEMENT, GO TO www.sleepimage.com. THESE DOCUMENTS ALSO GOVERN INDIVIDUALS' RIGHTS AND OBLIGATIONS WITH RESPECT TO MYCARDIO'S PRODUCTS, SERVICES AND WEBSITE USE, INCLUDING PERSONAL HEALTH INFORMATION AND SHOULD BE REVIEWED CAREFULLY.

If Individuals suspect improper use of or access to Individual's personal health information supplied to us, or if Individuals have any other concerns or questions about this Notice of Privacy Practices, please notify MyCardio via the "Contact Us" page of the Website or email support@sleepimage.com.

We are required by applicable federal and state law to maintain the privacy of Individuals' personal health information. We also are required to give Users this Notice of Privacy Practices about our privacy practices, our legal duties and Individuals' rights concerning their personal health information. Users are required to make this Notice of Privacy Practices available to Individuals. We must follow the privacy practices that are described in this Notice of Privacy Practices while it is in effect. This Notice of Privacy Practices took effect on the date indicated above and will stay in effect until it is updated or changed.

We reserve the right to change our privacy practices and the terms of this Notice of Privacy Practices at any time, provided such changes are permitted by applicable law. We reserve the right to make such changes effective for all personal health information that we maintain, including personal health information we created or received before we made the changes. Before we make a significant change in our privacy practices, we will change this Notice of Privacy Practices, post it within 60 days on the Site, and make the new Notice of Privacy Practices available upon request. For more information about our privacy practices or additional copies of this Notice of Privacy Practices, please contact us at support@sleepimage.com.

INDIVIDUAL'S PERSONAL HEALTH INFORMATION

Each User generates personal health information. For example, when Individuals visit a doctor, a record of their visit is made. This record may have details about Individual's symptoms, injury or illness, exam, medications, treatment, test results, and more. Information about Individuals and the services that Individuals received is called an Individual's personal health information.

In healthcare, this information is used in a number of ways. For example, it may be used to plan or coordinate Individual's care. As such, it may be shared among an Individual's healthcare providers. It also may be used to process claims, pay for Individual's healthcare services, or review services.

INDIVIDUAL'S RIGHTS

Individuals have certain rights that pertain to an Individual's personal health information supplied to us, including the right to:

- Request and receive a copy of this Notice of Privacy Practices at any time.
- View or request a copy of Individual's personal health information on record with us.
- Ask for added limits on permitted uses of Individual's personal health information. There may be reasons we cannot agree to this request. If we agree to Individual's request, we will keep our agreement except when necessary for Individual's treatment in a medical emergency or disaster.
- Request and receive a list of third parties we have disclosed Individual's information to for certain, permitted reasons described in this Notice of Privacy Practices in the past two years. If Individuals request

this information more than once in a 12-month period, we may charge Individuals a reasonable cost-based fee for responding to these additional requests.

- Ask that Individual's personal health information be sent by reasonable means other than mail or be sent to a different address to avoid putting Individual's life in danger (Individuals must make their request in writing). Individual's request must specify the alternative means or location and provide satisfactory explanation how payments will be handled under the alternative means or location of Individual's request.
- Request to change or add to Individual's personal health information (Individual's request must be in writing, and it must explain why the information should be amended). We may deny Individual's request if we did not create the information or for certain other reasons. If we deny an Individual's request, we will explain why in writing. If Individuals do not agree with our denial, Individuals may send us a written statement of disagreement that will be added to their record.

OUR DUTIES

We shall:

- Protect the privacy of Individual's personal health information.
- Make our notice of our privacy practices available to Individuals and Users.
- Follow the terms of this Notice of Privacy Practices.
- Fulfill Individual's request to send information by other means or to another address to avoid putting Individual's life in danger. Individual's request must be reasonable and must state the other address or the means Individual's wish us to use. The alternate address or means must allow us to collect fees under the Terms of Use Agreement.
- Use and share only the personal health information needed to do our jobs.
- Make sure our business partners agree to protect Individual's personal health information at least to the extent required by law. We will not use or share Individual's personal health information except as required by law or described in this Notice of Privacy Practices.
- Notify Users that provide an Individual's personal health information in the event that we may learn that it is unlawfully breached and Users are required to notify the Individuals.

INDIVIDUAL'S DUTIES

The protection of Individual's information is a shared responsibility of MyCardio and each user. MyCardio relies on users also taking steps to protect the secrecy and privacy of their information, including all passwords and user credentials used to access the Platform or any data regarding sleep stored locally on a device or computer.

HOW PERSONAL HEALTH INFORMATION IS USED

In healthcare, there are three key areas where we need to use Individuals personal health information. We may use it for treatment, payment and other healthcare operations. We also may contract with other parties to do the work for us, as long as they promise to protect Individuals information at least to the extent required by law. Each area is described below.

Treatment: This includes services needed to provide, coordinate or manage Individuals healthcare. For example, we may perform certain functions or activities on behalf of, or provide certain services to, healthcare providers that involve the use or disclosure of individually identifiable health information. We may need to share personal health information with Individuals doctor or other healthcare providers for treatment reasons.

Payment: We may need to use Individuals personal health information in connection with managing payment obligations between us and healthcare providers and other business associates who provide treatment or services to Individuals. We also may need to contact Individuals with respect to dues or other payment obligations between Individuals and us.

Healthcare Operations: This may include our quality review and improvement activities, resolving complaints and appeals, managing our business and other operations. We also may use Individuals' information to send Individuals communications to describe a health-related product or service. This may include information on healthcare providers or business associates, new health-related products or services, or recommended treatments, healthcare providers, or settings of care that may be of interest to Individuals. We may also use the information on a de-identified and aggregated basis to improve our offerings and the healthcare of others.

OTHER USES OF THE INFORMATION

There may be a time when the use of Individuals' personal health information is needed because it benefits Individuals, serves the public interest, or is required by law. In these cases, we will use and share only the personal health information needed or as required by law. Please read all of these other uses carefully.

With Individuals Written Permission: Individuals may give us written permission to use Individual's information or share it with someone for any purpose. Individuals may withdraw their permission in writing at any time. We will honor Individual's request unless the timing is such that the information has already been shared.

During an Emergency or Disaster: During a medical emergency or disaster, if it is believed that disclosure of the information would be in Individual's best interest, then we may disclose it. This would be done to make sure Individuals have access to the services Individuals need or to process payment for those services.

To Report to Authorities: We may need to share personal health information if we suspect abuse, neglect or domestic violence. As required by law, we may need to make a report to the authorities.

For Research Purposes: We may use or share information with researchers and Individuals' identifiable personal health information is kept private.

To Comply with the Privacy Law: We may use or share information as required by the privacy law. For example, to see if we are complying with the law, the U.S. Department of Health and Human Services may review our practices and ask us for some personal health information.

For Workers' Compensation: We may disclose information to comply with laws on workers' compensation or other similar programs. For Public Health: We may share Individual's personal health information with public health or legal authorities who work to prevent or control disease, injury or disability in the community. For example, we may share information about problems related to food, drugs, supplements and product defects with the U.S. Food and Drug Administration (FDA).

For Health Oversight: We may share information with authorities for activities to prevent fraud and abuse, audits, investigations, inspections, licenses and other government activities to monitor healthcare.

For Judicial and Administrative Proceedings: We may share Individual's information in response to a court or administrative order, subpoena or other lawful process, under certain circumstances.

For Law Enforcement Purposes: Under limited circumstances, such as a court order, warrant or grand jury subpoena, we may disclose Individual's information to law enforcement officials.

For Military or National Security Purposes: Under certain conditions, we may share the personal health information of armed forces staff with military authorities. We also may share Individual's information with federal officials for intelligence, counterintelligence and other national security activities.

FOR MORE INFORMATION OR TO REPORT A PROBLEM

If Individuals have questions or would like more information on our privacy practices, Individuals may contact us using the information at the end of this Notice of Privacy Practices. If Individuals believe their privacy rights have been violated, Individuals may file a complaint with us using the contact information at the end of this Notice of Privacy Practices. Individuals also may send a written complaint to the U.S. Department of Health and Human Services. If Individuals choose to file a complaint, Individuals have our assurance we will not retaliate in any way.

Thanks for taking the time to review this Notice of Privacy Practices. We work to protect Individuals' personal health information and we take our duties seriously.

Send MyCardio correspondence to:

MyCardio, Director of Quality Assurance, 3513 Brighton Blvd, Suite 530 Denver, CO 80216, USA
support@sleepimage.com, or

Send U.S. Department of Health and Human Services correspondence to:

U.S. Department of Health and Human Services 200 Independence Ave., S.W. Washington, D.C. 20201
P: +1 (720) 708-4205

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