

NotYet Inc.

## Privacy Policy

NotYet Inc. (“NotYet,” “we”, “us,” or “our”) respects your privacy and we are committed to protecting it through our compliance with this privacy policy (“Privacy Policy”).

This Privacy Policy describes the types of information we may collect from you or that you may provide when you visit or use the NotYet monitoring service (the “Monitoring Service”), the medical wearable device (the “Wearable Device”), and the associated mobile application (the “Mobile App,” collectively with the Monitoring Service and the Wearable Device, the “Service”) (as provided under our Terms of Use) and our practices for collecting, using, maintaining, protecting and disclosing that information.

This policy applies to information we collect:

- Through the Service.
- In email, text and other electronic messages between you and NotYet through the Service.
- When and where available, through mobile application as offered in Service.
- 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.

It does not apply to information collected by:

- Us through any other means, including on any other website operated by us (such as <https://notyet.tech>; or
- Any third party (including our affiliates and subsidiaries), including through any application or content that may link to or be accessible from the Service.

Note, NotYet is not a medical group. Any medical advice or care obtained through our Service or the use of our Services will be provided by your health care providers (each, a “Provider”), not NotYet. Your Provider is responsible for providing you with a Notice of Privacy Practices describing its collection and use of your health information, not NotYet. If you do not agree to be bound by those terms, you are not authorized to access or use our Service, and you must promptly discontinue use of our Service.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, you may choose not to use our Service. By accessing or using this Service, you agree to the terms and conditions of this Privacy Policy. This policy may change from time to time and will be posted at [https://notyet.tech/documents/privacy\\_policy](https://notyet.tech/documents/privacy_policy). Your continued use of this Service after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

## **Health Information**

Some information NotYet collects constitutes protected health information (“PHI”) under the U.S. Health Insurance Portability and Accountability Act (“HIPAA”). As set forth above, your Provider will provide you with a Notice of Privacy Practices describing its collection and use of your health information, not NotYet, Inc. Accordingly, NotYet will use PHI only for the purpose for which it was collected, and we only collect the information we need to fully perform our services, to respond to you or your Provider, or as otherwise permitted by the Provider or applicable law. We may use your PHI to contact you, to provide requested services, to provide information to your Provider, Caretaker and insurers, to obtain payment for our services, to respond to your inquiries and requests, to improve our products or services, and to respond to inquiries and requests from your Providers and benefits program. We may combine your information with other information about you that is available to us, including information from other sources, such as from your Providers, insurers or benefits program, in order to maintain an accurate record of our participants. PHI will not be used for any other purpose, including marketing, without your consent.

Some information we collect may be health and/or medical related, however, may not be considered PHI under HIPAA (“Non-PHI Health Information”). For example, if you purchase a Service directly from us (as opposed to pursuant to instructions, orders or advice from a Provider in connection with your medical treatment) health information collected by the Service would not typically be considered PHI under HIPAA. Nonetheless, unlike many wearable health device manufacturers and providers, we handle your Non-PHI Health Information with the same or substantially similar security (e.g., encryption, access controls and other administrative, technical and physical security safeguards) as we use when we handle and protect your PHI. (See the Data Security section below for additional information about encryption and other security measures.)

## **Children Under the Age of 18**

If you are under the age of eighteen (18), you cannot use the Service. If we learn that we have collected personal information from someone under the age of 18, we will promptly delete that information. If you believe we have impermissibly collected personal information from someone under the age of 18, please contact us at [info@notyet.tech](mailto:info@notyet.tech).

## **Information We Collect About You and How We Collect It**

We collect several types of information from and about users of our Service, including information:

- By which you may be personally identified, such as name, mailing address, email address, telephone number, date of birth, gender, medical history, health information, or other information defined as “Protected Health Information” under HIPAA/HITECH laws and regulations;
- Automatically collected by one or more of our Service;

- About your use of our Service, time and date of visits to our Service and information about your Service (including a unique identifier for your Wearable Service); and/or
- About your internet connection, the equipment you use to access our Service and usage details.

We collect this information:

- Directly from you when you provide it to us.
- Automatically as you use our Service.
- From third parties; for example, our business partners.

### **Information You Provide to Us**

The information we collect on or through our Service may include:

- Information that you provide by filling in forms on or in association with our Service. This includes information provided at the time of registering to use our Service, subscribing to or purchasing our services, posting material or requesting further services. We may also ask you for information when you report a problem with our Service.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Your responses to surveys that we might ask you to complete for research purposes.
- From use of our Service and through your Provider.

### **Information We Collect Through Automatic Data Collection Technologies**

When you use and interact with our Service, and as you navigate through and interact with our mobile application, we may use automatic data collection technologies to collect certain information about your physical health and condition, your equipment, browsing actions and patterns, including:

- Information collected automatically by our Service includes information about your physical health and condition, such as body temperature, blood pressure, respiratory rate, heart rate, activity levels, sleep state, proximity to other Wearable Service(s), and other similar data.
- Details of your visits to or use of our Service, including, but not limited to, Internet and web traffic data, location data, information from cookies, pixels, web beacons, tracking technologies, logs and other communication data and the resources that you access and use on the Service.
- Information about your computer and internet connection, including your IP address, operating system and browser type.

We may also collect information about your online activities over time and across third party websites or other online services (“behavioral tracking”). Please email us at [info@notyet.tech](mailto:info@notyet.tech) for information on how you can opt out of behavioral tracking on this Service and how we respond

to web browser signals and other mechanisms that enable consumers to exercise choice about behavioral tracking.

The technologies we may use for automatic data collection include:

- *Cookies (or browser cookies)*. A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Service when made commercially available. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to the Service.
- *Web Beacons or Pixel Tags*. Pages of the Service and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, single-pixel gifs) and other tracking technologies that permit us, for example, to count users who have visited those pages or opened an email, and for other related statistics (for example, recording the popularity of certain content and verifying system and server integrity).
- *Tracking Codes*. A tracking code is a snippet of JavaScript code that tracks the activity of a user by collecting data and sending it to the analytics module. The code is generated automatically, and has to be installed on each page you want to track.

## **How We Use Your Information**

Depending on your particular circumstances, we may use information that we collect about you or that you provide to us, including any personal information:

- To provide you with the functionality, features and services available through use of our Service.
- For monitoring and collecting information about your health and physical condition for your use and (subject to compliance with applicable laws) use by your Provider or Caretaker in connection with healthcare treatment and care coordination, including where applicable and available, video and audio-based telehealth services.
- To present and provide our Service and its contents to you.
- To process, fulfill, support, and administer your account, products, and services ordered or requested by you;
- To provide you with information, products, or services that you request from us.
- To fulfill any other purpose for which you provide it.
- To provide you with notices about your account, including expiration and renewal notices.
- To administer surveys, promotions, or contests.
- To create statistical data sets to better provide our services, and to improve our products and services.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about changes to our Service, our policies, terms or any products or services we offer or provide through it.
- To allow you to participate in interactive features on our Service.

- In any other way we may describe when you provide the information.

## **Advertising**

With your consent, we may also use your information to contact you about our own goods and services that may be of interest to you. If you wish to opt-out of receiving such communications, you may do so at any time by clicking unsubscribe at the bottom of these communications or by emailing us at [info@notyet.tech](mailto:info@notyet.tech) to opt out.

We may use the information we have collected from you to enable us to display advertisements to our advertisers' target audiences. Even though we do not disclose your personal information for these purposes without your consent, if you click on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria.

The information we collect automatically is statistical data and may include personal information, or we may maintain it or associate it with personal information we collect in other ways or receive from third parties. It helps us to improve our Service and to deliver a better and more personalized service, including, but not limited to, by enabling us to:

- Targeted and interest-based advertising.
- Estimate our audience size and usage patterns.
- To improve our products and services;
- Store information about your preferences, allowing us to customize our Service according to your individual interests or needs.
- Recognize you when you return to the Service again.

## **Disclosure of Your Information**

We do not share, sell, or otherwise disclose your personal information for purposes other than those outlined in this Privacy Policy. We may use or disclose aggregated or de-identified information about our users, and information that does not identify any individual, without restriction.

We may disclose personal information that we collect or you provide as described in this Privacy Policy:

- To contractors, service providers and other third parties we use to support our business and who are generally bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them. The services provided by these organizations include providing IT and infrastructure support services and marketing services.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by us about our Service users is among the assets transferred,

and you agree to and do hereby consent to our assignment or transfer of rights to your personal information.

- To fulfill the purpose for which you provide it.
- For any other purpose disclosed by us when you provide the information.
- As directed, consented to, or authorized by your Provider.
- To comply with any court order, law or legal process, including responding to any government or regulatory request.
- To enforce or apply our Terms of Use [https://notyet.tech/documents/terms\\_of\\_use](https://notyet.tech/documents/terms_of_use) and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of our company, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.
- For any other purpose with your consent.

### **Third Party Use of Cookies and Other Tracking Technologies**

Some content or applications, including advertisements, on the Service are served by third parties, including advertisers, ad networks and servers, content providers and application providers. These third parties may use cookies alone or in conjunction with pixels, web beacons, session replay technology or other tracking technologies to collect information about you when you use our Service. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content. We do not control these third parties' tracking technologies or how they may be used. These third parties may aggregate the information they collect with information from their other customers for their own purposes. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly.

### **Analytics**

We use Google Analytics, Google Firebase, Apps-Flyer, and Post Hog, analytics services to collect certain information relating to your use of the Service.

Google Analytics uses cookies and other tracking technologies to help the Service analyze how users use the Service. You can find out more about how Google uses data when you visit our Service by visiting “How Google uses data when you use our partners’ sites or apps”, (located at [www.google.com/policies/privacy/partners/](http://www.google.com/policies/privacy/partners/)).

### **Choices About How We Use and Disclose Your Information**

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- *Promotional Offers from Us.* If you do not wish to have your email address or other contact information further used by us to promote our own products or services, you can opt-out by clicking on the “unsubscribe” link at the bottom of the email. If we have sent you a promotional email, you may send us a return email asking to be omitted from future promotional email distributions. This opt out does not apply to information provided by us as a result of a product purchase, warranty registration, product service experience, or other transactions.

To learn more about interest-based advertisements and your opt-out rights and options, visit the Digital Advertising Alliance and the Network Advertising Initiative websites ([youradchoices.com](http://youradchoices.com) and [www.networkadvertising.org](http://www.networkadvertising.org)). Please note that if you choose to opt out, you will continue to see ads, but they will not be based on your online activity. We do not control third parties’ collection or use of your information to serve interest-based advertising. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. You can also opt out of receiving targeted ads from members of the NAI on its website.

### **Accessing and Correcting Your Information**

You can change your personal information by accessing your account on the Service, or to correct or delete any personal information that you have provided to us. We may not be able to delete your personal information except by also deleting your user account where one exists. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

With respect to any PHI NotYet may obtain, you have certain rights under HIPAA to access your data, to restrict use and disclosure of it, to request communication methods, to request corrections to your data, to receive an accounting of disclosures and to receive notice of any breach. To exercise these rights, we may direct you to your Provider to fulfill your request, or seek your Provider’s permission to do so before fulfilling such request. See the Notice of Privacy Practices provided to you by your Provider for more information.

### **Data Security**

Our goal is to protect your Personal Information submitted to us through this Service. We maintain reasonable administrative, organizational, and technical safeguards to protect and limit access to your personal information. This includes encrypting the data at rest on the Service as well as encrypting during transmission (in motion) between the Service and the mobile application. However, no method of transmission over the Internet or electronic storage technology is 100% secure. Therefore, while we take reasonable measures to safeguard your personal information, we cannot guarantee its absolute security.

Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Service. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Service.

## California Privacy Rights

These California Privacy Rights supplement the other information contained in our Privacy Policy and applies solely to all visitors, users, and others who reside in the State of California (“consumers” or “you”). This notice is to comply with the California Consumer Privacy Act of 2018 (“CCPA”) and any terms defined in the CCPA have the same meaning when used in this notice. We may update these California Privacy Rights as necessary and in the event of changes in the CCPA. These terms apply only to California residents. Please note that the CCPA expressly excludes personal information regulated under the California Confidentiality of Medical Information Act (CMIA) and protected health information (PHI) collected by a “covered entity” (e.g., a health care provider or insurance plan) or “business associate” (e.g., NotYet) that provides services to a covered entity governed by HIPAA.

### *Categories of Personal Information NotYet Collects*

As described in more detail in other areas of our Privacy Policy, we collect and/or disclose Personal Information about you when you visit use our Service, including information about you that you provide to us, and information that we automatically collect from you or your computer or device as you use our Service.

### *Information We Collect About You and How We Collect It*

Personal information does not include information that is: (a) publicly available information from government records; (b) de-identified or aggregated consumer information; or (c) certain information excluded from the scope of CCPA (e.g., PHI covered under HIPAA and medical information covered under the CMIA as discussed above).

### *Categories of Sources from which NotYet has collected Personal Information*

We collect Personal Information directly from you, for example when you provide it to us to when you contact us through the Service, to create a NotYet account; and indirectly from you automatically through the Service. We may also collect Personal Information about you from our advertising partners and service providers.

### *Use of Personal Information Collected*

We do not sell your Personal Information and have not done so in the prior 12 months from the effective date of this Privacy Policy. We may use or disclose the personal information we collect for our business purposes described elsewhere in this Privacy Policy (for example, please refer to “How We Use Your Information” and “Disclosure of Your Information”).

### *Sharing Personal Information*

NotYet may disclose your Personal Information to a third party for one or more business purposes. When we disclose Personal Information for a business purpose, such as to service providers, we enter a contract that describes the purpose and requires the recipient to both keep



that Personal Information confidential and not use it for any purpose except performing the contract.

### *Disclosures of Personal Information for Business Purposes*

We may disclose your Personal Information for our business purposes, such as your contact information, other information you have provided to us and unique identifiers that identify you to us or to our service providers, such as companies that assist us with marketing and advertising. For additional information, please refer to “Information We Collect About You” and “How We Collect It” for additional information and details.

We disclose your Personal Information to certain third parties such as our health care Provider partners, service providers, including companies that assist us with marketing and advertising. For additional information please refer to “How We Use Your Information” and “Disclosure of Your Information”.

### *Access Request Rights*

California residents have the right to request that NotYet disclose certain information to you about our collection and use of your Personal Information over the past 12 months for the above business and commercial purposes. To submit an access request, please see “Exercising Access and Deletion Rights.” Once we receive and confirm your verifiable consumer request, we will disclose to you:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting that Personal Information.
- The categories of third parties with whom we share that Personal Information.
- The specific pieces of Personal Information we collected about you.
- If we sold or disclosed your Personal Information for a business purpose, two separate lists disclosing:
  - sales, identifying the Personal Information categories that each category of recipient purchased; and
  - disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained.

### *Deletion Request Rights*

California residents have the right to request that NotYet delete your Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will delete (and direct our service providers to delete) your Personal Information from our records, unless certain exceptions apply.

### *Exercising Access and Deletion Rights*

To exercise the access and deletion rights described above, please submit a verifiable consumer request to us by emailing us at [info@notyet.tech](mailto:info@notyet.tech).

Only you, or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child. You may only make a verifiable consumer request for access twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

### *Non-Discrimination*

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

### *Other California Privacy Rights*

California Civil Code Section 1798.83 (California’s “Shine the Light” law) permits users of our Website that are California residents and who provide Personal Information in obtaining products and services for personal, family, or household use to request certain information regarding our disclosure of Personal Information to third parties for their own direct marketing purposes. If applicable, this information would include the categories of Personal Information and the names and addresses of those businesses with which we shared your Personal Information with for the immediately prior calendar year (e.g. requests made in 2023 will receive information regarding such activities in 2022). You may request this information once per calendar year. To make such a request, please contact us by email at [info@notyet.tech](mailto:info@notyet.tech).

### **Notice of Changes to Our Privacy Policy**

We reserve the right to make changes to this Privacy Policy at any time. It is our policy to post any changes we make to our Privacy Policy on this page. If we make material changes to how we treat our users’ personal information, we will notify you by email to the email address specified in your account if we have an email address for you. All changes are effective immediately upon posting to this page; the date the Privacy Policy was last revised is identified at the top of the

page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting this Privacy Policy to check for any changes.

### **Contact Information**

To ask questions or comment about this Privacy Policy and our privacy practices, contact us at [info@notyet.tech](mailto:info@notyet.tech).

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