



# Privacy Policy

Last Modified: December 13, 2023

Ognomy, Inc. (referred to as “Ognomy”, “us”, “we”, and “our”) respect your privacy and are committed to protecting it through our compliance with this Privacy Policy (the “Policy”). Our proprietary technology platform provides a complete sleep apnea care solution by connecting patients and healthcare professionals to provide testing, diagnoses, and treatment for sleep apnea from the comfort of home (the “Platform”). You can access our Platform by visiting the Ognomy website located at <https://www.ognomy.com/> (the “Website”) or by purchasing, downloading, installing, registering with, accessing, or using the Ognomy mobile application available in the app stores as “Ognomy – The Sleep Apnea App” (the “App”) (the Website, App, and our online Platform services are together, the “Services”). This Policy describes the types of information we may collect from you, or that you may provide, when you use the Services, and our practices for collecting, using, maintaining, protecting, and disclosing such information.

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, or feel uncomfortable with the ways we use information in order to deliver our Services, please do not use the Services.

This Policy may change from time to time (see **Changes to Our Privacy Policy**). Your continued use of the Services after we make changes is deemed to be acceptance of those changes, so please check the Policy periodically for updates.

## **Scope and Application**

This Policy applies to information we collect:

- On the Website and/or App; and
- In email, text, and other electronic messages between you and the Website or sent through or in connection with the App.

This Policy DOES NOT apply to information that:

- We collect offline or through any other means, including on any other website or app operated by Ognomy or any third party (including our affiliates and subsidiaries); or

- You provide to, or is collected by, any third party (including our affiliates and subsidiaries), including through any application or content (including advertising) that may link to or be accessible from or on the Website or App.

Our other websites and apps, and these other third parties, may have their own privacy policies, which we encourage you to read before providing information on or through them.

### **Protected Health Information**

When you register, or inquire about registering, for use of the Services, we may keep a record of certain health information that you provide to us or to your healthcare provider as well as any medical information that independently contracted healthcare providers provide to you via our Platform (such as information on and related to your medical history, diagnoses, treatments, current medical condition, and use of prescription medications). Your personal information in our possession may be protected health information ("PHI") protected by the Health Insurance Portability and Accountability Act of 1996, as amended and supplemented by the Health Information Technology for Economic and Clinical Health Act (Pub. L. No. 111-5), and the implementing regulations of each ("HIPAA").

Ognomy is independent from all healthcare professionals who may be providing telemedicine services to you through the Platform. We do not engage in the practice of medicine or provide any other health services. All patients who utilize the Platform receive services from independently contracted licensed healthcare professionals (the "Providers"). Ognomy acts as a Business Associate under HIPAA, by providing the Platform and other services on behalf of a covered entity (i.e., the Provider), pursuant to a written agreement called a Business Associate Agreement.

In addition to this Policy, the HIPAA Notices of Privacy Practices of your healthcare providers will apply to your PHI. This Policy supplements such Notices of Privacy Practices and any other privacy related disclosures we may provide from time to time (including during your enrollment or management of your account) and is not intended to override them.

### **Children Under the Age of 13**

Our Services are not intended for children under 13 years of age, and we do not knowingly collect personal information from children under 13. If we learn we have collected or received personal information from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 13, please contact us at [support@ognomy.com](mailto:support@ognomy.com).

California residents under 16 years of age may have additional rights regarding the collection and sale of their personal information. Please see **Your California Privacy Rights** for more information.

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

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

- By which you may be personally identified, such as name, postal address, date of birth, e-mail address, telephone number, social security number, gender, race, payment information, insurance information, health information (including information about medical conditions, treatment options, physician referrals, prescriptions, photographs or video images you provide through the Platform, and treatment options provided to you), or any other identifier by which you may be contacted online or offline ("Personal Information");
- That is about you but individually does not identify you; and/or
- About your internet connection, the equipment you use to access our Services, and usage details.

We collect this information:

- Directly from you when you provide it to us;
- Automatically as you navigate through the Website or use the App (information collected automatically may include usage details, IP addresses, and information collected through cookies, web beacons, and other tracking technologies); and/or
- From third parties, for example, our business partners or contracted Providers.

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

The information we collect by or through your use of the Services, may include:

- Information that you provide by filling in forms on our Website or App. This includes information provided at the time of registering to use the Platform, subscribing to our service, posting material, or requesting further services. We may also ask you for information when you report a problem with our Services.
- 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.
- Details of transactions you carry out through your use of the Services and of the fulfillment of your orders. You may be required to provide financial information before placing an order through our Website or App.
- Your search queries on the Website or App.

You may also provide information for publication or display ("Posted") on public areas of the Website or App, or websites you access through the Website or App (collectively, "User Contributions"). Your User Contributions are Posted and transmitted to others at your own risk. Additionally, we cannot control the actions of third parties with whom you may choose to share your User Contributions. Therefore, we cannot and do not guarantee that your User Contributions will not be viewed by unauthorized persons. By providing your contact information including but not limited to phone number and email and your agreement to this policy is considered an opt-in, giving Ognomy and its users the right to contact you with updates on your care through any of these methods. If you would like to opt-out of specific messaging

channels, you can do so by responding ‘STOP’ to the SMS stream or by clicking unsubscribe on any of the emails sent. For any other stop of communication, please contact our offices via the contact information at the bottom of this document.

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

As you navigate through and interact with our Services, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- **Usage Details.** We may automatically collect certain details of your access to and use of the Website or App, including traffic data, location data, logs, and other communication data and the resources that you access and use on or through the Website or App.
- **Device Information.** We may collect information about your computer or mobile device and internet connection, including the device's unique device identifier, IP address, operating system, browser type, mobile network information, and the device's telephone number.
- **Stored Information and Files.** The App also may access metadata and other information associated with other files stored on your device. This may include, for example, photographs, audio and video clips, personal contacts, and address book information.

We also may use these technologies to collect information about your online activities over time and across third-party websites or other online services (behavioral tracking). For information on how you can opt out of behavioral tracking and how we respond to web browser signals and other mechanisms that enable consumers to exercise choice about behavioral tracking, please send an email to [support@ognomy.com](mailto:support@ognomy.com).

The information we collect automatically 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 Services, and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our Services according to your individual interests.
- Speed up your searches.
- Recognize you when you return to our Website or App.

The technologies we use for this automatic data collection may include:

- **Cookies (or browser/mobile cookies).** A cookie is a small file placed on your smartphone or the hard drive of your computer. You may refuse to accept cookies by activating the appropriate setting on your browser or smartphone. However, if you select this setting you may be unable to access certain parts of our Website or App.
- **Flash Cookies.** Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from,

and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see **Choices About How We Use and Disclose Your Information**.

- **Web Beacons.** Pages of our Website, App, and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) 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 Website content and verifying system and server integrity).

### ***Third-Party Information Collection***

Some content or applications, including advertisements, on the Website and App are served by third parties, including advertisers, ad networks and servers, content providers, and application providers. These third parties may use cookies to collect information about you when you use our Website or App. 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. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly. For information about how you can opt out of receiving targeted advertising from many providers, see **Choices About How We Use and Disclose Your Information**.

### **How We Use Your Information**

We may use or disclose aggregated information about our users, including you, and information that does not identify any individual, without restriction.

We may use or disclose information that we collect about you or that you provide to us, including any Personal Information:

- To provide our Services to you or otherwise fulfill the purpose for which you provide such Personal Information.
- To provide you with notices about your account/subscription, including expiration and renewal notices.
- To allow you to participate in interactive features on our Website and App.
- To notify you about changes and updates to our Services or any products or services we offer or provide through them.
- To communicate with you about current or future products or services offered by us or any of our affiliates that provide services to you from time to time, including surveys, questionnaires, and other notices and information;

- To communicate with you about or otherwise schedule and arrange for the provision of the Services or products you elect to receive from Ognomy or any of its affiliates, including, but not limited to, scheduling, reminders, check-ins, and product recalls;
- To a manufacturer or other third party in order to process any order from you, obtain or facilitate any replacement, address any adverse reaction or product recall, or any other matter related to your procurement and use of any products from such manufacturer or third party.
- To collect, administer, and facilitate payments made by you for services or products available through our Website or App.
- To your Providers to facilitate your use of the Services, or to any other healthcare providers or persons you identify.
- To contractors, service providers, hosting partners, consultants, and other third parties we and our affiliates engage to support the Services.
- To enforce or apply our Terms of Use and other agreements or otherwise protect our legal rights.
- To comply with applicable law or any court order, law, or legal process, including responding to any government or regulatory request.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Ognomy or its affiliates, any customers of the foregoing, or others.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

We may also use your information to contact you about our own and third-parties' goods and services that may be of interest to you. If you do not want us to use your information in this way, please contact us at [support@ognomy.com](mailto:support@ognomy.com). For more information, see **Choices About How We Use and Disclose Your Information**.

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.

### **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:

- **Tracking Technologies and Advertising.** 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 App may then be inaccessible or not function properly.
- **Disclosure of Your Information for Third-Party Advertising.** If you do not want us to share your Personal Information with unaffiliated or non-agent third parties for promotional purposes, you can opt out by sending us an email stating your request to [support@ognomy.com](mailto:support@ognomy.com).

- **Promotional Offers from the Company.** If you do not wish to have your email address used by us to promote our own or third parties' products or services, you can opt out by sending us an email stating your request to [support@ognomy.com](mailto:support@ognomy.com). If we have sent you a promotional email, you may send us a return email asking to be omitted from future email distributions. If you opt out, we may still send you non-promotional communications, such as those about your account or services you have requested.
- **Targeted Advertising.** If you do not want us to use information that we collect or that you provide to us to deliver advertisements according to our advertisers' target-audience preferences, you can opt out by sending us an email stating your request to [support@ognomy.com](mailto:support@ognomy.com).

California residents may have additional personal information rights and choices. Please see **Your California Privacy Rights** for more information.

Nevada residents who wish to exercise their sale opt-out rights under Nevada Revised Statutes Chapter 603A may submit a request to [support@ognomy.com](mailto:support@ognomy.com). However, please know we do not currently sell data triggering that statute's opt-out requirements.

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

You can review and change your Personal Information by logging into the Website or App, and visiting your account profile page. You may also send us an email at [support@ognomy.com](mailto:support@ognomy.com) to request access to, correct, or delete any Personal Information that you have provided to us. We cannot delete your Personal Information except by also deleting your user account. We may not accommodate a request to delete or change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

California residents may have additional personal information rights and choices. Please see **Your California Privacy Rights** for more information.

### **Your California Privacy Rights**

If you are a California resident, California law may provide you with additional rights regarding our use of your Personal Information. To learn more about your California privacy rights, visit <https://consumercal.org/about-cfc/cfc-education-foundation/california-online-privacy-protection-act-caloppa-3/#sthash.0FdRbT51.dpuf>.

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Services that are California residents to request certain information regarding our disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please send an email to us at [support@ognomy.com](mailto:support@ognomy.com).

### **Data Security**

We have implemented measures designed to secure your Personal Information from accidental loss and from unauthorized access, use, alteration, and disclosure.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Services, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your Personal Information, we cannot and do not guarantee the security of the Website, App, Platform, our servers, or any system used to transmit information between your device and our servers. We cannot and do not guarantee the security of any information provided to us by any third party. 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 Website or App.

### **Storage of Personal Information in the United States**

You agree not to transfer any of your information to us from outside the United States. The laws in the United States may not offer the same degree of privacy protection as the laws outside of the United States.

### **Retention of Personal Information**

We will retain your Personal Information for a reasonable period of time, as determined in our sole and exclusive discretion, or for such other period of time as required by applicable law. We also retain some of your information as necessary to comply with our legal obligations, to resolve disputes, to enforce our agreements, to support business operations and to continue to develop and improve our Services.

### **Changes to Our Privacy Policy**

We may revise and update this Policy from time to time in our sole discretion. All changes are effective immediately when we post them and apply to all access to and use of the Services thereafter. Your continued use of the Services following the posting of any revisions to this Policy means that you accept and agree to the changes. You are expected to check this Policy from time to time so you are aware of any changes as they are binding on you.

### **Contact Information**

If you have any questions or concerns regarding this Policy and our privacy practices, please contact us at [support@ognomy.com](mailto:support@ognomy.com).