

# Advancare Medical Technologies

## Privacy Policy

Last updated: May 7, 2020

This Privacy Policy describes Our policies and procedures on the collection, use and disclosure of Your information when You use the Service and tells You about Your privacy rights and how the law protects You.

We use Your Personal data to provide and improve the Service. By using the Service, You agree to the collection and use of information in accordance with this Privacy Policy.

### 1. Interpretation and Definitions

#### a. Interpretation

The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

#### b. Definitions

For the purposes of this Privacy Policy:

- **You** means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable. For greater certainty, in circumstances in which you may use the Service as authorized on behalf of another individual, references to “You” and “Your” in this Privacy Policy include the child or other individual for whom you have the legal authority to use the Service.

Under GDPR (General Data Protection Regulation), You can be referred to as the Data Subject or as the User as you are the individual using the Service.



- **Company** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to ADVANCARE MEDICAL TECHNOLOGIES INC., 2100, 222 - 3RD AVENUE SW, CALGARY, ALBERTA T2P 0B4.

For the purpose of the GDPR, the Company is the Data Controller.

- **Application** means the software program provided by the Company downloaded by You on any electronic device, named Home Health, in its two existing versions: the patient-side app named Home Health Connect, and the provider-side app named Home Health MD.
- **Affiliate** means an entity that controls, is controlled by or is under common control with a party, where "control" means ownership of 50% or more of the shares, equity interest or other securities entitled to vote for election of directors or other managing authority.
- **Account** means a unique account created for You to access our Service or parts of our Service.
- **Service** refers to the Application.
- **Country** refers to: Alberta, Canada
- **Service Provider** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals engaged by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in



analyzing how the Service is used. For the purpose of the GDPR, Service Providers are considered Data Processors.

- **Personal Data** is any information that relates to an identified or identifiable individual, and includes any health information which you provide, use or disclose in relation to the Service.

For the purposes for GDPR, Personal Data means any information relating to You such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity.

For the purposes of the CCPA, Personal Data means any information that identifies, relates to, describes or is capable of being associated with, or could reasonably be linked, directly or indirectly, with You.

- **Device** means any device that can access the Service such as a computer, a cellphone or a digital tablet.
- **Usage Data** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself (for example, the duration of a page visit).
- **Data Controller**, for the purposes of the GDPR (General Data Protection Regulation), refers to the Company as the legal person which alone or jointly with others determines the purposes and means of the processing of Personal Data.



- **Do Not Track (DNT)** is a concept that has been promoted by US regulatory authorities, in particular the U.S. Federal Trade Commission (FTC), for the Internet industry to develop and implement a mechanism for allowing internet users to control the tracking of their online activities across websites.
- **Business**, for the purpose of the CCPA (California Consumer Privacy Act), refers to the Company as the legal entity that collects Consumers' personal information and determines the purposes and means of the processing of Consumers' personal information, or on behalf of which such information is collected and that alone, or jointly with others, determines the purposes and means of the processing of consumers' personal information, that does business in the State of California.
- **Consumer**, for the purpose of the CCPA (California Consumer Privacy Act), means a natural person who is a California resident. A resident, as defined in the law, includes (1) every individual who is in the USA for other than a temporary or transitory purpose, and (2) every individual who is domiciled in the USA who is outside the USA for a temporary or transitory purpose.
- **Sale**, for the purpose of the CCPA (California Consumer Privacy Act), means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a Consumer's Personal information to another business or a third party for monetary or other valuable consideration.

## 2. Collecting and Using Your Personal Data



a. **Types of Data Collected**

i. **Personal Data**

While using Our Service, We may ask You to provide Us with certain personally identifiable information that can be used to contact or identify You. Personally identifiable information may include, but is not limited to:

- Name
- Email address
- Address
- Date of Birth
- Usage Data

You may also provide personal health information in conjunction with your use of the Service.

ii. **Usage Data**

Usage Data is collected automatically when using the Service.

Usage Data may include information such as Your Device's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that You visit, the time and date of Your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When You access the Service by or through a mobile device, We may collect certain information automatically, including, but not limited to, the type of mobile device You use, Your mobile device unique ID, the IP address of Your mobile device, Your mobile operating system, the type of mobile Internet browser You use, unique device identifiers and other diagnostic data.

We may also collect information that Your browser sends whenever You visit our Service or when You access the Service by or through a mobile device.

iii. **Information Collected while Using the Application**

While using Our Application, in order to provide features of Our Application, We may collect, with your prior permission:



- Information regarding your location

We use this information to provide features of Our Service, to improve and customize Our Service. The information may be uploaded to the Company's servers and/or a Service Provider's server or it be simply stored on Your device.

You can enable or disable access to this information at any time, through Your Device settings.

**b. Use of Your Personal Data**

Any Personal Data collected is only used by the Company for the purposes of supporting or providing the Service to you. Correspondingly, access to Personal Data is restricted to employees and Service Providers who have a legitimate need-to-know in relation to providing the Service to you.

For greater certainty, the Company may use Personal Data for the following purposes:

- **To provide and maintain our Service**, including to monitor the usage of our Service.
- **To manage Your Account:** to manage Your registration as a user of the Service. The Personal Data You provide can give You access to different functionalities of the Service that are available to You as a registered user.
- **To contact You:** To contact You by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's push notifications regarding updates or informative communications related to the functionalities, products or contracted services, including the security updates, when necessary or reasonable for their implementation.
- **To provide You** with news, special offers and general information about other goods, services and events which we offer that are similar to those that you have



already purchased or enquired about unless You have opted not to receive such information.

- **To manage Your requests:** To attend and manage Your requests to Us.

We may share your personal information in the following situations:

- **With Service Providers:** We may share Your personal information with Service Providers to monitor and analyze the use of our Service, to contact You.
- **For Business transfers:** We may share or transfer Your personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of our business to another company
- **With Affiliates:** We may share Your information with Our affiliates, in which case we will require those affiliates to honor this Privacy Policy. Affiliates include Our parent company and any other subsidiaries, joint venture partners or other companies that We control or that are under common control with Us.
- **With Business partners:** We may share Your information with Our business partners to offer You certain products, services or promotions.
- **With other users:** when You share personal information or otherwise interact with other users, such information may be viewed by such users.

For greater certainty, healthcare providers using the Service are subject to privacy legislation and professional requirements that govern their management of personal and personal health information, including information they collect, use and retain in the course of providing services to individual patients through the Service.



### c. Your Consent

For greater certainty, the Company only collects, uses and discloses Personal Data with Your consent, which consent may be express or implied. There may also be situations where the Company's collection, use or disclosure of Your Personal Data without consent is authorized or required by law, as further discussed below.

Your provision of Personal Data to the Company means that You agree and consent that we may collect, use and disclose such information to provide the Service to You in accordance with this Policy. If You do not agree with these terms, You are requested not to provide any information to the Company and not to use the Service.

The Company may also use personal information to inform You of current and/or new service offerings or opportunities that the Company believes will be of interest to you, in accordance with Canada's Anti-Spam Legislation. Such communications may be made by way of telephone, text message, direct messaging, e-mail, fax or regular mail. You provide your consent to the Company contacting you in this manner when you participate in the Service. You may opt-out of receiving such communications by contacting the Company at the address below.

Remember, the choice to provide us with Your Personal Data is always Yours, and Your consent for us to use Your information can be withdrawn at any time on reasonable notice, subject to legal or contractual requirements. However, Your decision to withhold particular details may limit the services we are able to provide and may make it more difficult for us to provide the Service to You.

### d. Retention and Destruction of Your Personal Data

The Company will retain Your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use Your Personal Data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of Our Service, or We are legally obligated to retain this data for longer time periods.

When your information is no longer required for our purposes, we have procedures to destroy, delete, erase or convert such information into an anonymous form, in all cases in a way that protects Your privacy and in accordance with any applicable retention and destruction legislative or regulatory requirements.

### e. Transfer of Your Personal Data



The Company will store Your Personal Data on its internal servers and/or with its Service Providers located in Canada.

Your consent to this Privacy Policy followed by Your submission of such information represents Your agreement to that transfer.

The Company has taken and will take all technical, organizational, and legal steps reasonably necessary to ensure that Your data is treated securely and in accordance with this Privacy Policy and no transfer of Your Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of Your data and other personal information.

**f. Disclosure of Your Personal Data**

**i. Business Transactions**

If the Company is involved in a merger, acquisition or asset sale, Your Personal Data may be transferred. We will provide notice before Your Personal Data is transferred and becomes subject to a different Privacy Policy.

**ii. Law enforcement**

Under certain circumstances, the Company may be required to disclose Your Personal Data if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

**iii. Other legal requirements**

The Company may disclose Your Personal Data in the good faith belief that such action is necessary to:

- Comply with a legal obligation
- Protect and defend the rights or property of the Company
- Prevent or investigate possible wrongdoing in connection with the Service
- Protect the personal safety of Users of the Service or the public
- Protect against legal liability

**g. Security of Your Personal Data**

**i. Company Security Safeguards**



Privacy safeguards, as outlined in applicable privacy laws, apply to the Personal Data collected, used and disclosed in connection with the Service. Personal Data is kept in strict confidence and is used or disclosed only as authorized or required by law.

In addition, the Company has strict technology and security safeguards in place to ensure that Your Personal Data is reasonably protected against theft, unauthorized access, disclosure, inappropriate alteration or misuse and the records containing the information are protected against unauthorized copying, modification or disposal. All safety and security measures are also appropriate to the sensitivity level of Your Personal Data.

It is important to note that the Service involves sending your information, using encryption technology, via the internet. However, the internet is not a secure method of communication, and the Company cannot guarantee the privacy or security of information sent via the internet. No security or encryption the Company provides can protect against every circumstance. The Company will continue to monitor security issues and will update and improve security when it is reasonable and practical to do so.

## ii. Device Security

You are responsible for the general security associated with the Device You use to access the Service. The Company suggests You take additional measures to protect Your security. These might include:

- Ensure You are using the most secure web browser currently available. Occasionally, security patches will be available to fix known security gaps associated with Your web browser. You should monitor and implement these patches where appropriate.
- Ensure You have up-to-date virus protection software on all systems and that You run virus scans regularly.
- All connections to the Internet under Your control should be protected by firewall protection to help prevent unauthorized Internet access to Your systems.
- When receiving care through the Service, choose a private location and be aware of those who may be around You.

## h. Access and Amendment Rights

In addition to Your account information which is available through your account at all times, the Company will provide You with access to your Personal Data in accordance with applicable privacy laws. The Company reserves the right to require that any request for access to Your information be made in writing. Generally, there is no cost for a request for access to Your Personal Data. However, the Company reserves the right to charge such costs on a case-by-case basis in accordance with applicable laws. You will be notified in advance if such charges apply.



You may also request correction to errors in your information collected through the Service. Such corrections are handled by the Company in accordance with applicable privacy laws and the policies and procedures established by the Company.

If you have any questions regarding accessing and/or amending your information, please contact our Privacy Officer at the address noted below.

### 3. GDPR Privacy

The following terms apply to the extent that the General Data Protection Regulation is applicable to You and the protection of Your Personal Data.

#### a. Legal Basis for Processing Personal Data under GDPR

We may process Personal Data under the following conditions:

- **Consent:** You have given Your consent for processing Personal Data for one or more specific purposes.
- **Performance of a contract:** Provision of Personal Data is necessary for the performance of an agreement with You and/or for any pre-contractual obligations thereof.
- **Legal obligations:** Processing Personal Data is necessary for compliance with a legal obligation to which the Company is subject.
- **Vital interests:** Processing Personal Data is necessary in order to protect Your vital interests or of another natural person.
- **Public interests:** Processing Personal Data is related to a task that is carried out in the public interest or in the exercise of official authority vested in the Company.
- **Legitimate interests:** Processing Personal Data is necessary for the purposes of the legitimate interests pursued by the Company.



In any case, the Company will gladly help to clarify the specific legal basis that applies to the processing, and in particular whether the provision of Personal Data is a statutory or contractual requirement, or a requirement necessary to enter into a contract.

#### b. Your Rights under the GDPR

The Company undertakes to respect the confidentiality of Your Personal Data and to guarantee You can exercise Your rights.

You have the right under this Privacy Policy, and by law if You are within the EU, to:

- **Request access to Your Personal Data.** The right to access, update or delete the information We have on You. Whenever made possible, you can access, update or request deletion of Your Personal Data directly within Your account settings section. If you are unable to perform these actions yourself, please contact Us to assist You. This also enables You to receive a copy of the Personal Data We hold about You.
- **Request correction of the Personal Data that We hold about You.** You have the right to to have any incomplete or inaccurate information We hold about You corrected.
- **Object to processing of Your Personal Data.** This right exists where We are relying on a legitimate interest as the legal basis for Our processing and there is something about Your particular situation, which makes You want to object to our processing of Your Personal Data on this ground. You also have the right to object where We are processing Your Personal Data for direct marketing purposes.
- **Request erasure of Your Personal Data.** You have the right to ask Us to delete or remove Personal Data when there is no good reason for Us to continue processing it.



- **Request the transfer of Your Personal Data.** We will provide to You, or to a third-party You have chosen, Your Personal Data in a structured, commonly used, machine-readable format. Please note that this right only applies to automated information which You initially provided consent for Us to use or where We used the information to perform a contract with You.
- **Withdraw Your consent.** You have the right to withdraw Your consent on using your Personal Data. If You withdraw Your consent, We may not be able to provide You with access to certain specific functionalities of the Service.

#### c. Exercising of Your GDPR Data Protection Rights

You may exercise Your rights of access, rectification, cancellation and opposition by contacting Us. Please note that we may ask You to verify Your identity before responding to such requests. If You make a request, We will try our best to respond to You as soon as possible.

You have the right to complain to a Data Protection Authority about Our collection and use of Your Personal Data. For more information, if You are in the European Economic Area (EEA), please contact Your local data protection authority in the EEA.

#### 4. CCPA Privacy

The following terms apply to the extent that the California Consumer Privacy Act is applicable to You and the protection of Your Personal Data.

##### a. Your Rights under the CCPA

Under this Privacy Policy, and by law if You are a resident of California, You have the following rights:

- **The right to notice.** You must be properly notified which categories of Personal Data are being collected and the purposes for which the Personal Data is being used.



- **The right to access / the right to request.** The CCPA permits You to request and obtain from the Company information regarding the disclosure of Your Personal Data that has been collected in the past 12 months by the Company or its subsidiaries to a third-party for the third party's direct marketing purposes.
- **The right to say no to the sale of Personal Data.** You also have the right to ask the Company not to sell Your Personal Data to third parties. You can submit such a request by visiting our "Do Not Sell My Personal Information" section or web page.
- **The right to know about Your Personal Data.** You have the right to request and obtain from the Company information regarding the disclosure of the following:
  - The categories of Personal Data collected
  - The sources from which the Personal Data was collected
  - The business or commercial purpose for collecting or selling the Personal Data
  - Categories of third parties with whom We share Personal Data
  - The specific pieces of Personal Data we collected about You
- **The right to delete Personal Data.** You also have the right to request the deletion of Your Personal Data that have been collected in the past 12 months.
- **The right not to be discriminated against.** You have the right not to be discriminated against for exercising any of Your Consumer's rights, including by:
  - Denying goods or services to You
  - Charging different prices or rates for goods or services, including the use of discounts or other benefits or imposing penalties
  - Providing a different level or quality of goods or services to You



- Suggesting that You will receive a different price or rate for goods or services or a different level or quality of goods or services.

**b. Exercising Your CCPA Data Protection Rights**

In order to exercise any of Your rights under the CCPA, and if you are a California resident, You can email or call us or visit our "Do Not Sell My Personal Information" section or web page.

The Company will disclose and deliver the required information free of charge within 45 days of receiving Your verifiable request. The time period to provide the required information may be extended once by an additional 45 days when reasonable necessary and with prior notice.

**c. Do Not Sell My Personal Information**

We do not sell personal information. However, the Service Providers we partner with (for example, our advertising partners) may use technology on the Service that "sells" personal information as defined by the CCPA law.

If you wish to opt out of the use of your personal information for interest-based advertising purposes and these potential sales as defined under CCPA law, you may do so by following the instructions below.

Please note that any opt out is specific to the browser You use. You may need to opt out on every browser that you use.

**i. Website**

You can opt out of receiving ads that are personalized as served by our Service Providers by following our instructions presented on the Service:

- From Our "Cookie Consent" notice banner
- Or from Our "CCPA Opt-out" notice banner
- Or from Our "Do Not Sell My Personal Information" notice banner
- Or from Our "Do Not Sell My Personal Information" link

The opt out will place a cookie on Your computer that is unique to the browser You use to opt out. If you change browsers or delete the cookies saved by your browser, you will need to opt out again.



## ii. Mobile Devices

Your mobile device may give you the ability to opt out of the use of information about the apps you use in order to serve you ads that are targeted to your interests:

- "Opt out of Interest-Based Ads" or "Opt out of Ads Personalization" on Android devices
- "Limit Ad Tracking" on iOS devices

You can also stop the collection of location information from Your mobile device by changing the preferences on your mobile device.

## 5. "Do Not Track" Policy as Required by California Online Privacy Protection Act (CalOPPA)

Our Service does not respond to Do Not Track signals.

However, some third party websites do keep track of Your browsing activities. If You are visiting such websites, You can set Your preferences in Your web browser to inform websites that You do not want to be tracked. You can enable or disable DNT by visiting the preferences or settings page of Your web browser.

## 6. Children's Privacy

Our Service does not address anyone under the age of 13. We do not knowingly collect personally identifiable information from anyone under the age of 13. If You are a parent or guardian and You are aware that Your child has provided Us with Personal Data, please contact Us. If We become aware that We have collected Personal Data from anyone under the age of 13 without verification of parental consent, We take steps to remove that information from Our servers.

If We need to rely on consent as a legal basis for processing Your information and Your country requires consent from a parent, We may require Your parent's consent before We collect and use that information.

## 7. Links to Other Websites

Our Service may contain links to other websites that are not operated by Us. If You click on a third party link, You will be directed to that third party's site. We strongly advise You to review the Privacy Policy of every site You visit.

We have no control over and assume no responsibility for the content, privacy policies or practices of any third party sites or services.



## 8. Changes to this Privacy Policy

We may update our Privacy Policy from time to time. We will notify You of any changes by posting the new Privacy Policy on this page.

We will let You know via email and/or a prominent notice on Our Service, prior to the change becoming effective and update the "Last updated" date at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

## 9. Contact Us

If you have any questions about this Privacy Policy, You can contact our Privacy Officer at [support@advancare.ca](mailto:support@advancare.ca).

