

## NOTICE OF PRIVACY PRACTICES

Clearsmile (“**Practice**”) understands the important of keeping your personal information private. Personal information includes: your name, postal address, e-mail address, date of birth, phone number and many other identifying factors (“**Personal Information**”). This Privacy Policy describes our practices in connection with information that Practice collects through the use our online tools and website (“**Site**”). By using the Site, you agree to the terms and conditions of this Privacy Policy. Be advised that Protected Health Information (“**PHI**”) is part of the Personal Information that Practice collects. PHI that is provided to Practice or that Practice otherwise collects is subject to the additional terms and conditions in the “Personal Health Information” section of this Notice and the terms and conditions of which section will prevail and control if they are inconsistent with or contradictory to the remaining terms and conditions of this Privacy Policy.

### Personal Information

If you are a physician or other healthcare or medical provider (“**Provider**”) or an individual who is authorized by a Provider to access and use the Site (“**Designee**”), Practice collects Personal Information about you when the Provider when you register on the Site. The information that Practice collects from Providers and Designees includes, but is not limited to: names, specialty, e-mail address, phone number, and address. Practice does not collect PHI about Providers and Designees.

If you are a patient of a Provider who has subscribed to the Site or a new patient that has subscribed to the Site (“**Patient**”), Practice collects Personal Information about you when you register to use the Site including when your treating Provider (“**Authorized Caregiver**”) uses or subscribes to the Site. If you are an authorized individual or guardian (“**Agent**”), Practice collects Personal Information about you, including, without limitation, your name, e-mail address, phone number and relationship to the patient. When communicating with the Provider in using the Site, the Patient, Authorized Caregivers, Providers and its Designees may disclose Personal Information about the Patient, which may include PHI. Practice does not collect PHI about Authorized Caregivers.

### Protected Health Information

PHI includes information, whether oral or recorded in any form or medium, that is sent or received from a Patient, his or her Authorized Caregiver or a physician or other healthcare provider that: (a) relates to the past, present or future physical or mental condition of the Patient; the provision of healthcare to the Patient; or the past, present or future payment for the provision of the healthcare of the Patient; and (b) that identifies the Patient or with respect to which there is a reasonable basis to believe the information can be used to identify the Patient. [45 C.F.R. § 160.103]

### How Practice Uses Personal Information

Practice uses Personal Information as follows:

1. To enable access to and use of the Site;

2. Respond to inquiries;
3. Send important information regarding services provided by the Practice, changes to Practice's terms and conditions, and/or other administrative information;
4. To comply with all applicable laws, including requests to a government agency;
5. To enforce the terms and conditions of this Notice;
6. To protect Practice's operations or those of any of Practice's affiliates;
7. To protect the rights, privacy, safety or property of that of Practice, Practice's affiliates, Patients, Providers and others; and,
8. To allow the Practice to pursue available remedies or limit the damages that it may sustain.

#### How Practice Discloses Personal Information

Practice discloses Personal Information, including PHI:

1. If you are a Patient, to your Provider, its Designees and Authorized Caregivers without further authorization for purposes of treatment, payment or operations;
2. If you are an Authorized Caregiver, to the Patient and his or her Provider and the Provider's Designees;
3. For third-party Service providers who provide services such as website hosting, data analysis, payment processing, order fulfillment, infrastructure provision, information technology services, customer service, e-mail delivery services, credit card processing, backup, auditing services, management services, consulting services, and any other similar services;
4. To a third-party in the event of any reorganization, merger, acquisition, sale, joint venture, assignment, transfer or other disposition of all or any portion of Practice's business assets or stock, including in connection with any bankruptcy or similar proceedings;
5. As we believe to be necessary and appropriate:
  - a. Under applicable laws;
  - b. To comply with legal proceedings;
  - c. To comply with applicable law, including requests by government agencies;
  - d. Enforce the terms and conditions;
  - e. To protect Practice's operations or those of any of Practice's affiliates;
  - f. To protect the rights, privacy, safety or property of that of Practice, Practice's affiliates, Patients, Providers and others; and,
  - g. To allow the Practice to pursue available remedies or limit the damages that it may sustain; and,
6. For other uses or disclosures permitted by law.

#### How Practice Uses and/or Discloses PHI

Practice may use/or disclose PHI in the same manner as Personal Information except our use and disclosure of PHI is further limited as provided by administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH") and the Omnibus regulations promulgating Standards for Privacy of Individually Identifiable Health Information

and Security Standards for the Protection of Electronic Protected Health Information promulgated thereto. Specifically, all uses or disclosures of PHI shall require Patient authorization or a valid authorization on Patient's behalf except: (a) uses or disclosures by or to the Patient; (b) uses or disclosures for treatment, payment or healthcare operations; (b) as part of any valid use or disclosure; or (d) in compliance with and pursuant to applicable laws.

Practice may disclose PHI for other other purposes only pursuant to Patient's valid authorization as follows: (a) for most uses and disclosures of psychotherapy notes; (b) for use or disclosure of PHI for marketing purposes; (c) for disclosures that constitute the sale of PHI; and (d) for other uses or disclosures that are not exempt from the authorization requirement.

Practice will enter into Business Associate Agreements ("**BAA**") with Patient's Providers who are "**Covered Entities**" when they are "**Business Associates**" as defined by HIPAA. Practice will send and disclose PHI only for those uses and disclosures permitted by HIPAA and under applicable BAA. Practice may use or disclose PHI to provide services to Patient or the Provider. Practice may also use PHI for our proper management and administration or to carry out Practice's legal responsibilities.

#### Non-Personal Information

"**Non-Personal Information**" means any information that does not reveal your specific identity such as: (a) browser information, (b) information collected through cookies, pixel tags and other technologies, (c) demographic information and other information provided by you, and (d) aggregated information.

Please be advised that Practice and Practice's third-party service providers may collect Non-Personal Information in a variety of ways, including:

1. Through your browser: Certain information is collected by most browsers, such as your Media Access Control (MAC) address, computer type (Windows or Macintosh), screen resolution, operating system version and Internet browser type and version.
2. Using cookies: Cookies allow a web server to transfer data to a computer for recordkeeping and other purposes. We use cookies and other technologies to, among other things, better serve you with more tailored information and facilitate your ongoing access to and use of the Services. We use two types of cookies, "session" cookies and "persistent" cookies. A session cookie is temporary, and expires after you end a session and close your web browser. We use session cookies to help customize your experience as you use the Services, and maintain your signed-on status as you navigate through the features of the Services. Persistent cookies remain on your hard drive after you have exited from our Services, until you erase them or they expire. If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to decline the use of cookies.
3. Using pixel tags, web beacons, clear GIFs or other similar technologies: These may be used in connection with some Site pages and HTML-formatted email messages to, among other things, track the actions of Site users and email recipients, and compile statistics about Site usage and response rates.

4. From you: Information such as your location, as well as other information, such as your preferred means of receiving messages through the Services (e.g., emails or text messages), is collected when you voluntarily provide this information. Unless combined with Personal Information, this information does not personally identify you or any other user of the Service.
5. By aggregating information: Aggregated Personal Information does not personally identify you or any other user of the Service (for example, we may use Personal Information to calculate the percentage of our users who have chosen to receive messages by text messaging).

Finally, because Non-Personal Information does not personally identify you, we may use and disclose Non-Personal Information for any purpose whatsoever. In some instances, Practice may combine Non-Personal Information with Personal Information (e.g., combining name and geographical location). If Practice combines any Non-Personal Information with Personal Information, the combined information will be treated by us as Personal Information as long as it is combined.

#### Internet Protocol Addresses

Your internet protocol address (“**IP Address**”) is a number that is automatically assigned to the computer or other electronic device that you are using is assigned by an Internet Service Provider (“**ISP**”). An IP Address is identified and logged automatically in Practice’s server log fields whenever a user uses the Site along with the time of the visit and the page(s) that were visited. Collecting IP Addresses is standard practice on the Internet and is done automatically by many websites.

We use IP Addresses for purposes such as calculating usage levels, helping diagnose server problems, and administering the Services. Practice may also use and disclose IP Addresses for all the purposes for which we use and disclose Personal Information. Please note that Practice treats IP Addresses, server log fields and related information as Non-Personal Information, except where Practice is required to do so by law.

#### Third-Party Sites

This Privacy Policy does not address, and Practice is not responsible for, the privacy, information or other practices of any third-party. The inclusion of a link within the Site does not imply endorsement of the linked site by Practice or Practice’s affiliates.

#### Security

Practice uses reasonable organizational, technical and administrative measures to protect Personal Information under Practice’s control, consistent with the Omnibus regulations promulgating Standards for Privacy of Individually Identifiable Health Information and Security Standards for Protection of Electronic Protected Health Information. No data transmission over the Internet or data storage system can be guaranteed as completely secure. If you have reason to believe that your interaction with the Practice is no longer secure, please immediately notify Practice of the

problem by contacting the Practice by utilizing the “**Contact Us**” (or similarly named section or function). Practice will notify affected Providers and/or Patients of any breach of unsecured PHI.

### Changing Your Information

If you would like to review, correct, update, delete or otherwise limit Practice’s use of your Personal Information that has been previously provided to the Practice, you may contact the Practice by utilizing the “**Contact Us**” (or similarly named section or function).

In your request, please make clear what information you would like to have changed, whether you would like to have your Personal Information deleted from our database or otherwise let the Practice know what limitations you would like to put on our use of your Personal Information. Practice will try to comply with your request as soon as reasonably practicable. Please note that in order to comply with certain requests to limit use of your Personal Information Practice may need to terminate your account with the Practice and your ability to access and use the Site, and you agree that Practice will not be liable to you for such termination or for any refunds of prepaid fees paid by you. Although Practice will use reasonable efforts to do so, you understand that it may not be technologically possible to remove from Practice’s systems every record of your Personal Information. The need to back up the Practice’s systems to protect information from inadvertent loss means a copy of your Personal Information may exist in a non-erasable form that will be difficult or impossible for Practice to locate or remove.

### Retention Period

Practice will retain your Personal Information for a period necessary to fulfill the purposes outline in this Notice unless required otherwise by law.

### Use of Site by Minors

The Site is not to be used by individuals under the age of eighteen (18) unless they have provided written consent of their parents or legal guardians. Practice requests that these individuals do not provide Personal Information to the Practice.

### Updating this Privacy Policy

Practice may change this Privacy Policy at any time. Any changes to this Privacy Policy shall become effective when posted to the Site. Practice will make all reasonable efforts to clearly mark the Privacy Policy as updated when changes are made, noting the date of the last revision.