

Privacy Policy

Effective: August 27, 2019

Last modified: August 27, 2019

Habit Design, Inc. and its related companies (“**We**”, “**Us**”, “**Company**”, “**Habit Design**”) take your privacy seriously, and we want you to know how we collect, use, share, and protect your information. This policy (the “**Privacy Policy**”) tells you what information we collect from visitors of the health coaching services, mobile application and therapy or other related services provided or operated by Habit Design (the “**Services**”) including our mobile application (the “**App**”), how we use that information, how we may share that information, how we protect your information, and your choices regarding your Personal Information (defined below).

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 TO THE PRIVACY POLICY, INCLUDING ANY CHANGES THERETO, THEN YOU MUST NOT ACCESS AND USE THE SERVICES.

To utilize the Services, you are required to submit certain information to establish an account. We collect certain information during the account registration process for identity verification purposes. We collect and utilize additional information as set forth below.

Information We Collect From You

When you register with the Services, we collect certain personally identifiable information about you (“**Personal Information**”), including your name, address, telephone number, contact information and password. Once you have registered, we may collect the following information about you, including:

- Your birthdate and certain health information, e.g., your health insurance information, any diagnoses and how long you have been having symptoms.
- Information you provide to us, or grant us access to, when you access or use the Services.
- Information you provide through the Services, including using our review, comment, post or similar functionality.
- In the event you pay for the Services directly, payment information is provided directly to our payment processing partner.

We will process Personal Information collected through the Services in accordance with applicable law and with the agreements we have with your health care provider, health plan, pharmacy benefit manager or employer, and as described in the Terms of Service and this Privacy Policy. If you do not want to provide us this information, please do not utilize the Services.

Information We Collect Automatically

You or your health care provider, health plan, pharmacy benefit manager or employer will provide us with information so that we can provide our services to you. Additionally, we may collect certain information when you use the Services, including the following:

- **Use of the App.** When you use the App, we may collect certain information about such use, including the location of your mobile device, your mobile device ID, type of device and operating system you use to access our App; your activities within the App; and the length of time that you are logged in through the mobile app.
- **Unique Identifiers.** We may collect certain information through unique identifiers such as IP address when you are using the Services.
- **Cookies.** We may use “cookies” and other technologies to collect data that enable us to better understand and improve the usability, performance and effectiveness of our Services. For instance, we may use session cookies (which expire once you close your browser) or persistent cookies (which stay on your mobile device until you delete them) to provide you with a more personal and interactive experience on our App.
- **Third-Party Analytics.** We use third parties’ analytic and tracking tools to better understand who is using the Services, how people are using the Services and how to improve the effectiveness of the Services and its content, and to help those parties serve more targeted advertising to you across the Internet or help us serve more targeted advertising to you. Those third party companies may use cookies, pixel tags or other technologies to collect and store anonymous information such as time of visit, pages visited, time spent using the Services, device identifiers, type of operating system used and other website(s) you may have visited. They might combine information they collect from your interaction with the Services with Personal Information they collect from other sources. We do not have access to, nor control over, third parties’ use of cookies or other tracking technologies.
- **DNT.** Do Not Track (DNT) is a privacy preference that users can set in some web browsers, allowing users to opt out of tracking by websites and online services. Habit Design and the Services do not recognize DNT.

What We Do with Your Information.

Habit Design respects your privacy and will not sell your Personal Information to third parties. We may use your Personal Information to provide Services to you, respond to your inquiries, provide information on products and services you request or have a representative contact you regarding our products or services. Unless you have otherwise opted out of receiving email communication from us, you agree by using the Services, to allow us to use your email for communication and provision of Services consistent with this Privacy Policy.

If your access to our App or use of the Services is sponsored by your employer and/or provided for under your employer-provided health plan, at the request of your employer or employer-provided health plan, we may disclose Personal Information for health care operation purposes without your consent with the employer, employer-provided health plan and/or third party service providers of the employer or employer-provided health plan. Any such information will be provided in accordance with applicable law, including without limitation the Health Insurance Portability and Accountability Act of 1996, and

regulations issued thereunder, as may be amended from time to time (commonly referred to as “HIPAA”). Please also refer to the employer-provided health plan’s HIPAA-required notice of privacy practice.

We may also use your Personal Information to update you on special offers related to our products or services, improve our products and services, provide product announcements or information regarding health topics, deliver other information we believe you will find most relevant, and useful and in any other way we may describe when you provide the information or to which you consent. We may occasionally contact you to gather customer service information to help us determine how we can improve our services and products to better meet your needs. We may also de-identify and/or aggregate your data for various business purposes including product, service and program development and improvement. De-identified data, in individual or aggregated form, may also be used for research purposes both internally by Habit Design or with research partners and other third parties for the advancement of clinical and scientific knowledge.

We may combine or cross-reference your Personal Information with general information or other information we may have acquired about you or may acquire about you through other sources, including offline sources of information to help further customize the information, products or services we provide to you.

We use the general information we collect from you to help us understand and analyze users of our Services, including generating aggregate statistics about Services use. This data can then be used to tailor the Services’ content, deliver a better experience for our users. We may also collect, aggregate and maintain anonymous information about the visitors to our Services. We may further share such aggregate, non-identifiable information with business partners, sponsors and other third parties.

Sharing of Personal Information with Third Parties.

If you invite family, friends or other third parties to be part of your team or join your chat sessions with your health coach, they will have access to the information shared during that session. You should also be aware that certain features within the Services allow for group chat sessions or public forums. By inviting any third parties to join your chat sessions or participate in group session or public forums, you consent to the disclosure of your Personal Information, including information about your health and any health conditions to the other participants. We cannot control whether or how these participants will use your Personal Information or if they will subsequently disclose it. If you do not consent to the disclosure of this information to these third parties, you should not invite them to join your team or participate in the group sessions or other public forums.

From time to time, we may use third parties to provide products, services or otherwise support our business or collaborate with third parties with respect to development, promotion or other business activities related to a particular product or service. These third parties may include service providers of a sponsoring employer or employer-

provided health plan. As a result, we may disclose Personal Information that we collect or you provide to contractors, Business Associates (as defined under HIPAA), service providers and other third parties for solely for purposes of providing the services as outlined above; provided such third parties have agreed to comply with this Privacy Policy or substantially equivalent terms. We may also we disclose Personal Information to our subsidiaries and affiliates; to a third party in connection with a merger, divestiture, restructuring, reorganization, dissolution, sale or transfer of some or all of our assets or other similar corporate transactions or in connection with a bankruptcy, liquidation or similar proceeding.

We may also release your Personal Information to third parties as required by law, when we believe disclosure is necessary to comply with a legal or regulatory requirements, judicial proceeding, court order or legal process served on us, to protect the safety, rights or property of patients, customers, the public or the Company or defend the Company and its officers, directors, employees, attorneys, agents, contractors and partners, in connection with any legal action, claim, or dispute.

Except as set forth in this Privacy Policy or as specifically agreed to by you, we will not sell or rent your Personal Information to third parties or disclose any Personal Information we gather from you on our Services to third parties.

How We Keep Your Information Secure. We seek to safeguard the security of your Personal Information and have implemented reasonable security measures consistent with accepted practices in the healthcare industry to protect the confidentiality of your Personal Information and limit access to it. We have put in place a variety of information security measures to protect your Personal Information, including encryption technology, such as Secure Sockets Layer (SSL), to protect your Personal Information during data transport and at rest. However, despite our efforts to protect your Personal Information, there is always some risk that an unauthorized third party may find a way around our security systems or that transmissions of your Personal Information over the Internet will be intercepted. Unfortunately, we cannot guarantee the absolute security of your Personal Information, nor can we guarantee that information that you provide will not be intercepted while being transmitted to us over the Internet. Therefore, we urge you to also take every precaution to protect your Personal Information when you are on the Internet or using the Services.

How to Opt Out. To opt out, please do not provide your Personal Information to us, or after providing your Personal Information to us, please send written notification to us that you no longer wish to receive information and communications from us or otherwise share your Personal Information. With respect to the collection and use of general information, you have the ability to disable or manage the use of cookies on your computer using controls in your browser. However, you are not able to opt out of the uses of general information otherwise collected as set forth in this policy. Please note that certain features of the Services may not be available when cookies are disabled. To learn more about how to manage cookies, visit <http://www.allaboutcookies.org>.

International Transfers. Personal Information collected from you may be stored and processed in the United States or any other country in which Habit Design or its affiliates, subsidiaries, agents or contractors maintain facilities. If you are accessing Personal Information from the European Union or other regions with laws governing data collection and use, please note that you are agreeing to the transfer of your data to the United States and processing globally. By providing your Information you consent to any transfer and processing in accordance with this Privacy Policy.

Children's Privacy. We are committed to protecting the privacy of children. Our Services are not designed or intended for children and we do not intentionally collect information about children under 13 years old. If a parent or guardian becomes aware that a child under 13 years old has provided Personal Information to us without their consent, please contact us at admin@habitdesign.org.

Third Party Websites. Please be aware that our website or Services may have links to third-party websites that may collect Personal Information about you. When you click on one of these third-party links, you are entering another website for which we have no responsibility. This Privacy Policy does not cover the information practices or policies of such third-party websites. We encourage you to read the privacy policies of all such websites since their privacy policies may be materially different than our Privacy Policy.

In addition, we may rely on third-party advertisers, ad networks and ad servers to promote our Services. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about our users. This may include information about users' behavior on this and other apps to serve them interested-based (behavioral) advertising. No information you share within our Services will be shared with third-party advertisers. We do not control these third parties' tracking technologies or how they may be used. If you have any questions about an advertisement, you should contact the responsible advertiser directly.

Changes. We reserve the right to modify the terms of this Privacy Policy at any time and in our sole discretion, without notice. When the Privacy Policy is changed, modified, and/or amended, the revised Privacy Policy will be posted on our Services. Modifications will be effective immediately. You should visit this web page periodically to review the Privacy Policy. You accept any such modifications to this Privacy Policy by continued use of our Services after such modifications are made.

Contact Us. If you would like to update your Personal Information, delete your account, change your preferences or have any questions or concerns about your privacy, you may contact us at admin@habitdesign.org. Please note that some information may remain in our records after deletion of your account, including any information or records we are legally obligated to retain.