

Alimetry Patient Privacy Notice

POL-010 Patient Privacy Notice Ver. 5

Introduction and scope

Alimetry Limited and its related companies (together, **we, us, our**) provide medical devices and an accompanying application to healthcare professionals for non-invasively diagnosing gastrointestinal disorders. This Privacy Notice applies to patients (**you, your**) whose personal data is collected through our devices and processed by us. It explains how and why we process your personal data.

In most cases, we act as a data processor (or the equivalent under applicable privacy and data protection laws) on behalf of your healthcare professional (the data controller or equivalent under applicable privacy and data protection laws). This notice also covers instances where we may act as a data controller (or the equivalent under applicable privacy and data protection laws) for specific purposes.

For information on how we handle information collected through non-patient use of our products, please refer to our **Privacy Notice** [www.alimetry.com/privacy-notice]. For information about our privacy practices when you visit or use our website, or when you contact us using the contact information available on our website, see our **Website Privacy Notice** [www.alimetry.com/website-privacy-notice].

How and why your personal data is collected and used

Use of your data by your healthcare professional to provide you care

Your **personal data** is provided to, and collected by, your healthcare professional to enable them to provide you with care. This includes personal identifiers (e.g., name, DOB, medical ID), personal information (e.g. gender, height, weight), and data from your Gastric Alimetry test (e.g. gastric recordings, symptoms, survey results, and test metadata). Your healthcare professionals may access this data in our cloud-based servers as part of the service we provide to our users. In this privacy notice, we refer to this personal data as **complete personal data**.

Our customers determine what and how they collect, use, disclose and transfer your complete personal data. This means that our customers' collection and use of your complete personal data is governed by their privacy policy and practices (which may differ from those set out in this Privacy Notice), not ours.

We collect, hold and process complete personal data for the sole purposes of providing our products, services and support to our customers and, with your consent, and where permitted by your healthcare provider, to generate de-identified personal data for use for our R&D and business purposes as further described below. We do not use complete personal data for our own business purposes other than, with your consent, and where permitted by your healthcare provider, to generate de-identified personal data for use for our R&D and business purposes as further described below and we do not sell complete personal data.

We do not disclose complete personal data to third parties that are not your healthcare professional, except to the extent that we are required to do so by law, e.g., to meet law enforcement requirements.

Use of your data by Alimetry to provide support to our customers

We may use your complete personal data for the purpose of providing support to your healthcare professional for treatment, payment, and health care operations. We will ensure any such use and disclosure is limited to the minimum necessary personal data to provide the required support.

We may also use your personal data that has been de-identified in a manner that meets the requirements of U.S. Health Insurance Portability and Accountability Act (**HIPAA**) 45 C.F.R. §§ 164.514 (a) and (b) to provide support to our customers. In this privacy notice, we refer to your personal data that has been de-identified in this manner as your **de-identified personal data**. Your de-identified personal data contains results from your Gastric Alimetry test and non-identifying demographic data (e.g., gender, height, weight). We may use your de-identified personal data to provide technical support to your healthcare professional (e.g., troubleshooting, identification and correction of device malfunctions). If you have consented to participate in a research study, we may provide support to the researchers conducting the study (e.g. technical support, supplying test results, basic analytical support).

Unless further consent is obtained (see below), we collect, hold, and process de-identified personal data for the sole purpose of providing our products and services to our customers.

Use of your data by Alimetry for R&D and business purposes

With your consent, and where permitted by your healthcare provider, your **de-identified personal data** may be used by Alimetry to improve our technology or for business purposes. Specific uses include:

- developing new product features or improvements
- training and testing machine learning models
- seeking regulatory approvals and insurance reimbursement
- conducting scientific research
- creating and publishing scientific publications
- creating educational or marketing material

We do not use your de-identified personal data for purposes of reselling or otherwise commercially exploiting it.

We may transfer de-identified personal data in the case of a sale, merger, consolidation, liquidation, reorganisation or acquisition.

Storage and security of your personal data

We take reasonable steps to keep personal data safe from loss, unauthorised activity, or other misuse. We implement appropriate technical and organisational measures to ensure a level of security appropriate to risks inherent in processing personal data.

Our customers determine how long they retain your complete personal data. We retain your de-identified personal data only for as long as we need it to fulfill our business purposes.

Your rights in relation to your personal data

If you wish to exercise any rights that you have under applicable law relating to the use of your complete personal data, you should contact your healthcare professional. If we receive any requests relating to your complete personal data, we will forward this request to the relevant customer, unless we are prohibited to do so by law.

Where we (with your consent) use your de-identified personal data to improve our technology or for business purposes, we respect the following rights, regardless of whether you have such rights under applicable law, subject to certain grounds for refusal set out in applicable law and except to the extent required otherwise under applicable law:

- right to be informed – you must be provided information regarding the collection of your personal data, the purpose for processing it and if it will be disclosed to any third parties.
- right of access – you have the right to ask us whether we are processing your personal data and to provide you with a copy of that data.
- right to rectification – you have right to have inaccurate or incomplete personal data about you rectified or completed.
- right to erasure – you have the right to request that we delete your personal data and we will do so if deletion does not contravene any applicable laws.
- right to withdraw consent – you have the right to withdraw your consent to our processing of your personal data at any time.
- right to restrict processing – you have the right to request that we restrict or block the processing of your personal data in certain circumstances.
- right to object to processing – you have the right to request that we stop processing your personal data at any time.
- right to not be subjected to automated decision-making – we do not undertake automated individual decision-making.
- right to data portability – you have the right to obtain from us your personal data that you have consented to give us.
- the right to complain to a supervisory authority – you can report any concerns that you have about our privacy practices to the relevant data protection supervisory authority.

If you would like to exercise any of the rights above, please contact us at privacy@alimetry.com. We will provide you with any relevant information you request in relation to your rights as soon as practicable, but in no event longer than 20 working days of the date of the request. In order to do so we may request additional information from you for the purpose of identity verification.

If you are not satisfied by the way your query is dealt with, you may refer your query to your local data protection supervisory authority.

Processing your personal data

For the purposes of the New Zealand Privacy Act 2020, we process your complete personal data as the agent of our customers, except where we use complete personal data for the purpose of generating de-identified personal data or where we use de-identified personal data to improve our technology or for business purposes (as described above).

For the purposes of the General Data Protection Regulation (**GDPR**) and the GDPR as retained in the laws of the United Kingdom (**UK-GDPR**):

- we are the data controller (as defined in the GDPR and the UK-GDPR) when using complete personal data for the purpose of generating de-identified personal data and when using de-identified personal data to improve our technology or for business purposes (as described above); and
- our customers are the data controller in relation to all other processing of complete personal data and we are the data processors.

For the purposes of HIPAA, we comply with our obligations under the HIPAA Rules and the applicable business associate agreement between us and your health care professional.

Children

For minors undergoing a test using Alimetry medical device, any personal data will only be collected with express consent of their legal guardian. The legal guardian can exercise privacy and data protection rights on the child's behalf. If you are a legal guardian of a minor and have reason to believe that we have collected personal data about your child without your consent, please contact us at privacy@alimetry.com.

Contact us

If you have any questions about this privacy notice, our privacy practices, or if you would like to request access to, or correction of, personal data about you that we have collected, you can contact us at privacy@alimetry.com. If your request is for access to, or correction of, your complete personal data, you should contact your healthcare professional, and if we receive such a request, we will forward this request to the relevant customer, unless we are prohibited to do so by law.

Making a complaint

If you have any concerns about our use of your personal data, you can make a complaint to us at privacy@alimetry.com.

If you are in the UK, you can also complain to the Information Commissioner's Office (ICO) if you are unhappy with how we have used your data by visiting their website: <https://www.ico.org.uk>.

For other jurisdictions, please contact your local data protection authority. You can find their contact details on their official websites.

Updates to this notice

We reserve the right to make amendments to this Patient Privacy Notice. It is recommended that you consult this notice regularly in order to be aware of any changes.