

Privacy Policy

ZERIGO HEALTH, INC. PRIVACY POLICY

Date of Last Revision:

At Zerigo Health, Inc., the privacy of our customers and those using our products and/or services is very important to us. This Privacy Policy ("Privacy Policy") explains how Zerigo Health, Inc., and any of its subsidiaries and affiliates ("hereinafter referred to as "Zerigo", "We", "Us" and "ours") is designed to inform you of how Zerigo collects, uses, stores, processes or shares your information when you use our Website, the Zerigo Mobile App or use any Zerigo product or service, as well as the type of information collected from you (hereinafter referred to as "user," "you," or "your"). Zerigo will not share your personally identifiable information ("Personal Information") or your Protected Health Information ("PHI") with any third parties without your permission except as provided in this Privacy Statement. If you do not agree with the terms of this Privacy Policy, please do not access, or use the Zerigo Website, Mobile App or goods and services as detailed herein:

- (a) Our websites and related sub-domains and subsites (together with any successor site, each, a "Zerigo Website");
- (b) The Zerigo Mobile Application ("the Zerigo Mobile App") and all other mobile applications owned and/or operated by or on behalf of ZERIGO, including, without limitation, those that relate in any way to the Zerigo Program (all of which are hereinafter referred to as "Zerigo Mobile Apps"). Zerigo's Websites and Zerigo Mobile Apps are referred to individually and collectively below as "Zerigo's Websites and/or Zerigo Mobile Apps");
- (c) Our products including the Zerigo Home Phototherapy Device (the "Zerigo Device") and any other Zerigo offered products (the "Zerigo Products");
- (d) Our services including the services of the ZerigoCare Guides (the "Zerigo Services"); and/or
- (e) Any offering combining Zerigo Devices, Zerigo Products and/or Zerigo Services (the "Zerigo Program").

In addition to explaining how Zerigo collects information about you including Personal Information and PHI, this Privacy Policy also describes how Zerigo collects, stores, uses, processes, protects, and discloses your Personal Information and PHI collected from or through your use of Zerigo's Website, the Zerigo Mobile App, use of the Zerigo Device, communication with the ZerigoCare Guides, as well as from your physician and/or other health care provider, insurer or from you as the user or the parent or guardian of a user. This Privacy Policy is intended to comply with the California Online Privacy Protection Act (Calif. Bus. & Prof. Code Section 22575 et seq.).

Zerigo's Notice of Privacy Practices is available here: [Notice Of Privacy Practices](#) and describes how PHI about you may be used and disclosed, your rights regarding the use and disclosure of such information, and how you can exercise your rights of access to your PHI. Please review it carefully.

Please also review this Privacy Policy before providing Zerigo with any of the described Personal Information or PHI. By accessing and/or using Zerigo's Websites, the Zerigo Mobile App, the Zerigo Solution, Zerigo Products or Service and by providing Zerigo with any such information as described in this Privacy Policy or the Notice of Privacy Practices, you acknowledge that you have

read, understood, and agreed to all of the terms and conditions set forth in this Privacy Policy.

HOW ZERIGO COLLECTS INFORMATION ABOUT YOU

For the reasons set forth below, Zerigo collects information about you (including identifiable and non-identifiable data as well as PHI) through your access to and/or use of Zerigo's Website, the Zerigo Mobile App, Zerigo Products and Services, and your use of the Zerigo Program including, without limitation, (i) information you provide via the Zerigo Website and/or the Zerigo Mobile App, including any online chat sessions, (ii) information you disclose during your use of Zerigo Products, Zerigo Services, or contacts with other Zerigo personnel, and (iii) information provided by your physician, other healthcare provider, or your insurer.

Zerigo also uses "Cookies" as well as other tracking technologies when you visit our Website to help us customize and improve your user experience. Cookies are small files that a software application stores on your computer or device. If you are concerned about the use of Cookies you can choose how your computer manages Cookies and enable a feature in your browser that will erase Cookies, block all Cookies, or warn you before Cookies are stored or exchanged on your system. To learn more about our use of Cookies and how you can control the collection of information by limiting the use of Cookies, please review our [Zerigo Cookie Policy](#). If you reject Cookies, you may still use our Website, but your ability to use some features or areas of our website may be limited.

When you use Zerigo's Website, the Zerigo Mobile App, and/or any portion of the Zerigo Program including the ZerigoCare Guides, Zerigo collects information about you through various technologies to collect information including your IP addresses, device type, device identifiers, browser types, browser language, pages accessed, URLs, platform type, user clicks on hyperlinks, domain names, landing pages, the amount of time spent on particular web pages, date and time of activity using Zerigo applications and other similar information.

Zerigo may also collect information about you through (i) third-party Social Networking Software ("SNS"), including, without limitation, Facebook, LinkedIn, Instagram, Twitter, SnapChat and/or Google, (ii) through third-parties that provide search and/or electronic communications analytics such as Google, Facebook, and LinkedIn, and (iii) through other third parties.

If you acquire and use the Zerigo Device, the Zerigo Mobile App and/or you communicate with the ZerigoCare Guides, Zerigo collects your Personal Information and Protected Health Information ("PHI") (as more fully described in the [Zerigo Terms of Use](#)). In addition, Zerigo collects PHI and Personal Information about you from your physician and/or other healthcare providers through electronic, written and/or oral communications. The Zerigo Mobile App accesses other software functions and features on your mobile device necessary for the operation of the Zerigo Device including, without limitation, your mobile device's camera, microphone, calendar, messaging, email, audio, video, and other mobile applications and/or other software functions and features.

THE TYPE OF INFORMATION ABOUT YOU THAT ZERIGO COLLECTS

Your PHI

Zerigo may create, collect, receive, maintain, store, transmit, disclose and/or use your PHI, including without limitation, the following: (i) the identity of physicians and/or other healthcare providers that have examined and/or treated you, (ii) diagnostic and symptom information about you, including, without limitation, skin conditions such as psoriasis, eczema, or vitiligo, (iii) prescriptions, treatment plans and treatment protocols applicable to your skin conditions, (iv) medical imaging and

photographs providing information about your skin conditions, including photographs of your treatment progress that you take using the camera on your mobile device, (v) laboratory test and other test results relating to your skin conditions, (vi) information about your use of the Zerigo Device and/or the Zerigo Mobile App, (vii) information you input into the Zerigo Website and/or the Zerigo Mobile App, (viii) information you disclose to a ZerigoCare Guide or other Zerigo personnel, (ix) information you disclose to your physician and/or other healthcare provider about your symptoms, diagnoses and treatment progress before, during and/or after your use of the Zerigo Device, and/or (x) information about your treatment experience and outcomes during and/or after using the Zerigo Device. In many instances, when Zerigo creates, collects, receives, maintains, stores, transmits, discloses and/or uses your PHI, we are doing so for the purposes of continuity of care. For example, your physician and/or other healthcare provider may send us your prescription through the Zerigo Physician Portal or other means or may provide you with a hard-copy prescription that you send to Zerigo. We may communicate with your physician if he/she makes any changes to your treatment plan or treatment protocol.

Your Personal Information

The Personal Information about you that Zerigo collects and stores may include, without limitation, your full name, email addresses, physical addresses, age, date of birth, password, phone numbers, job title, employer, social security number, device identifiers, and other information that you provide when you are using the Zerigo Website, the Zerigo Mobile App, communicating with ZerigoCare Guides and/or other Zerigo Personnel, and/or that you provided to your physician, health plan, employer group, and/or healthcare providers which they communicate to Zerigo. Further, Zerigo collects:

Payment Information

Zerigo (or an authorized third-party payment processor) may collect and store Personal Information including your personal financial information used to facilitate payment transactions. Such information may include, without limitation, (i) credit card, debit card, and other financial account information, (ii) credit reporting information, (iii) credit score, and (iv) personally identifying information.

Zerigo Device User Support Information

Zerigo may collect and store (i) the contact information you provide to our support personnel including ZerigoCare Guides, (ii) information about your use of the Zerigo Website and/or the Zerigo App, and the Zerigo Device, (iii) identification information such as your user ID and password, (iv) any of the other types of information described above in this Privacy Policy, and (v) notes, recordings and/or copies of communications between you and ZerigoCare Guides and/or other Zerigo Personnel.

Text Message Notifications and Similar Notifications

Zerigo may collect and store the information you provide, including your telephone number, and may send text message notifications directly to your mobile device. The sending of text message notifications may be managed through a third-party service provider. Zerigo may send push notifications to your mobile device to provide information about the Zerigo Device and the Zerigo Mobile App.

By using the Zerigo Mobile App you understand and acknowledge that SMS/MMS text messaging is not a completely secure method of communication and that you understand that you are not required to authorize Zerigo to communicate with you using SMS/MMS text messaging. By using the Zerigo Mobile App you are authorizing Zerigo to communicate with you through SMS/MMS text messaging, and that those text messages include the disclosure of your PHI.

In addition, by providing your mobile number, you are giving your consent to receiving informational and/or marketing SMS/MMS text messages from Zerigo Health and/or the ZerigoCare Guides and that you understand that such SMS/MMS messages may be autodialed.

Technical and Usage Information From Your Devices

Zerigo may collect and store information about your mobile device or computer system, including MAC and IP address as well as mobile device ID. Zerigo may also collect usage statistics about your interactions with the Zerigo Website and/or the Zerigo Mobile App. This information is typically collected through the use of server log files or web log files ("Log Files") as well as mobile device software development kits and tracking technologies like browser cookies to collect and analyze certain types of technical information. In addition, as described above, Zerigo may use a software tool that makes a video record of your use of Zerigo's Websites and your behavior with respect to such use, such as for example, what web pages you view, where the cursor moves on the web pages, how long you stay on the web pages, and information you input.

Other Sources

Zerigo may collect or receive information from other sources including, without limitation, (i) other users of the Zerigo Website, and (ii) third-party information providers. This information may be combined with other information about you that we collect.

WHERE ZERIGO STORES INFORMATION ABOUT YOU

All or some portion of your PHI and other Personal Information about you, as described above, may be stored on (i) the Zerigo Device, (ii) your computer, mobile device or any device you use to access the Zerigo Website and/or the Zerigo Mobile App, (iii) the computers or other devices that your physicians and/or other healthcare providers use to access the Zerigo Physician Portal, (iv) Zerigo's information network system, (v) computer servers and/or other devices containing electronic/digital data and maintained and/or operated by other persons, entities, or third-parties at the direction of, and on behalf of, Zerigo including, without limitation, online or cloud storage providers.

HOW ZERIGO USES INFORMATION ABOUT YOU

Zerigo uses your PHI and Personal Information for a variety of purposes as permitted by, required by, and/or in accordance with applicable law including, but not limited to, the following:

- (1) In connection with your physician's and/or other qualified, licensed healthcare provider's treatment of you;
- (2) To provide you with information, and to answer any questions that you may have about the Zerigo Mobile App, the Zerigo Device, the Zerigo Program, and/or other Zerigo Products and Services;
- (3) To provide your physicians and/or other qualified licensed healthcare professionals with information about the Zerigo Device, the Zerigo Program, the Zerigo Physician Portal and/or other Zerigo Products and Services;
- (4) To provide you with information about how you may acquire and use the Zerigo Device;

- (5) To obtain a prescription from your physician and/or other qualified licensed healthcare professional so that you may acquire and use the Zerigo Device and the Zerigo Program;
- (6) To enable you to acquire and use the Zerigo Device and the Zerigo Mobile App;
- (7) To assist you in obtaining reimbursement from health insurance companies for the Zerigo Device and the Zerigo Program (although Zerigo has no control over your insurer's coverage decisions);
- (8) To obtain information from you about your medical condition and treatments;
- (9) To manage the operation of the Zerigo Program including the Zerigo Device and the Zerigo Mobile App;
- (10) To make improvements to the Zerigo Program, including the Zerigo Device and the Zerigo Mobile App, and/or other Zerigo Products and/or Services;
- (11) To provide information to your physician and/or other healthcare provider in connection with their diagnosis and/or treatment of your medical conditions, including providing monthly progress reports;
- (12) To aggregate and use, in a de-identified format, patient data for the purposes of clinical research in a manner not prohibited by applicable law;
- (13) In an identifiable format, if authorized by you for the purposes of clinical research, in a manner and to the extent permitted by applicable law;
- (14) To communicate with you about the Zerigo Device, the Zerigo Mobile App, and/or other Products and Services offered by Zerigo;
- (15) For quality assessment and improvement activities, product development, maintenance and/or evaluation;
- (16) For analytical purposes and to research, develop and improve programs, products, services, and content including customer service trending and analysis, patient treatment and retention adherence analysis, psycho-social trend analysis, and longitudinal efficacy studies;
- (17) For treatment, payment, or healthcare operation purposes as provided in HIPAA; and/or
- (18) For any other purpose not prohibited by applicable law.

HOW ZERIGO DISCLOSES INFORMATION ABOUT YOU

Zerigo may disclose your PHI, and/or other information about you as described above, as permitted by, required by, and/or in accordance with all applicable law including, without limitation:

- (a) to your physician and/or other qualified, licensed healthcare professional;

- (b) to persons and/or entities authorized in writing by you to receive such PHI such as your health insurer; and/or
- (c) to third-parties who perform services as indicated below.

Zerigo may share your PHI and/or Personal Information with third-parties that we engage to perform services or functions on our behalf. For example, we may use different vendors or suppliers to ship products that you order. In such cases, we provide the vendor with the required Personal Information to process your order such as your name and mailing address. When we share your PHI and/or Personal Information with our third-party partners, we do not authorize them to use, share or disclose your information with others for purposes other than for the provision of services they have been retained to provide.

Zerigo may disclose or report information about you as permitted by, required by, and/or in accordance with applicable law:

- (a) if we have a good faith belief that we are required to disclose the information in response to legal process (for example, a court order, search warrant or subpoena);
- (b) to satisfy applicable laws;
- (c) if we believe that Zerigo's Website and/or the Zerigo Mobile App are being used to commit a crime including, without limitation, to report such criminal activity or to exchange information with other companies and organizations for the purposes of fraud protection and credit risk reduction;
- (d) if we have a good faith belief that there is an emergency that poses a threat to the health or safety of a person or the general public; and/or
- (e) in order to protect the rights or property of Zerigo.

Zerigo will not sell or rent your PHI or Personal Information to any other company or organization. If Zerigo sells all or a portion of our business, we may transfer all of your information that we have collected as described above to the acquirer, successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy or receivership in which information is transferred to one or more third parties as one of our business assets as permitted by, and in accordance with, applicable law.

Zerigo, and our third-party partners, track visits to our Website, use of the Zerigo Mobile App, and use of the Zerigo Program to compile anonymous aggregate statistics. We use various technical measures to aggregate and anonymize this data, and the resulting statistics, to prevent the data from being associated with any particular individual. This tracking helps us customize and continually improve our users' experience, to gather demographic information about our user base and the visitors to our Website and Mobile App, to offer our products and services, and to monitor and track, through web analytics, our marketing programs.

HOW ZERIGO PROTECTS INFORMATION ABOUT YOU

Zerigo protects the Personal Information and PHI it has collected from you by using industry standard security precautions against loss, unauthorized access, modification, or disclosure. Zerigo complies with the HIPAA security requirements applicable to Zerigo as a medical device provider. When credit or payment card information and/or other financial information is communicated to Zerigo, we take reasonable steps to protect that information and to ensure that our authorized third-party e-commerce and payment processors do so as well.

Even though Zerigo takes precautions to maintain the confidentiality of your PHI and Personal Information, it is important to remember that any information that you communicate via the Zerigo Website, the Zerigo Mobile App, by e-mail, text (SMS/MMS) messaging, or any other means may not be secure and may be susceptible to third party interception. As a result, you understand and agree that you transmit information to us via such methods at your own risk, and that we are not liable for any data breaches arising from your use of inherently insecure communication channels. Please refer to the Terms of Use disclaimer and limitation of liability provisions.

You may be required to register for an account to access the Zerigo Website and/or the Zerigo Mobile App. You will be required to download the Zerigo Mobile App to your mobile device or smartphone in order to use the Zerigo Device. You will be provided with or required to create a username and password and to provide information relevant to your account. You are solely responsible for the maintenance and security of your username and password. Usernames and passwords are unique to each individual user and should never be shared with, or disclosed to, anyone other than the designated user. It is your obligation and responsibility to ensure that you keep your username and password strictly confidential, and you are responsible for any and all actions taken using your account credentials. You are required to immediately notifying Zerigo at privacy@zerigohealth.com of any known or suspected unauthorized use of your Zerigo username or password.

To prevent unauthorized access, maintain data accuracy, and protect against the inappropriate use of the information we collect, store, and transmit, Zerigo has implemented a range of technical, physical, and administrative safeguards. Under HIPAA and other applicable laws, we are required to apply reasonable and appropriate measures to safeguard the confidentiality, integrity, and availability of the PHI we collect, use, maintain, store and/or disclose as part of the services we provide. However, as indicated above, no website, mobile application or Internet transmission is completely secure. Unauthorized access, hacking, data loss, and/or other data breaches or other type of misuse may occur. Accordingly, any transmission of your PHI, Personal Information including financial information, and/or any other information about you provided by you and/or your physician and/or other healthcare provider to Zerigo is at your own risk, and you acknowledge and agree that Zerigo will not be liable for any harm or damages to you, or anyone else, resulting from any unauthorized access, hacking, data loss, and/or other data breaches or other type of misuse of your data during transmission. In addition, please note that if you post content (including messages), communicate with other users and/or comment on your or other user's content in any online chat room, forum, or social media platform such information may be exposed publicly. As set forth above, please refer to the Terms of Use warranty disclaimer and limitation of liability provisions.

EXERCISING YOUR RIGHT OF ACCESS TO PHI

Under HIPAA, if Zerigo has collected and maintains any PHI pertaining to you or your treatment, you may contact Zerigo to request access to your PHI and exercise your rights under HIPAA regarding such PHI. For an explanation of your Right of Access to PHI and instructions of how to exercise your rights, refer to the **Zerigo Notice of Privacy Practices** or contact Zerigo as directed below.

NOTICE OF MATERIAL MODIFICATIONS OR CHANGES TO OUR PRIVACY POLICY



Zerigo reserves the right to, at any time and in its sole discretion, modify or change this Privacy Policy. In some cases, Zerigo may, but is not required to, send you notice of such modifications or changes to this Privacy Policy by email, message and/or other written communication, with a request for your agreement. Alternatively, you will be notified of modifications and changes to the Privacy Policy through a change in the Date of Last Revision at the top of the first page of this Privacy Policy. You should always check the Date of Last Revision at the top of this Privacy Policy prior to using any Zerigo Website and/or the Zerigo Mobile App. By continuing to use the Zerigo Website and/or the Zerigo Mobile App after the Date of Last Revision, you agree on behalf of yourself, your minor child, and/or any person or entity on whose behalf you are acting to the terms of the revised Privacy Policy with all such modifications and/or changes therein, and that the revised Privacy Policy shall supersede and replace any prior version.

HOW ZERIGO RESPONDS TO “DO NOT TRACK” SIGNALS

Zerigo has been informed that computer, smartphone, and other device users may set their web browser to “do not track” or may have access to other mechanisms that provide consumers with the ability to exercise choice regarding the collection of Personal Information about the user’s online activities over time and across third-party websites or online services. However, Zerigo has concerns that so called “do not track” web browser settings and/or other such mechanisms may not be uniformly standardized, may have disparate functionality under varying conditions, and/or may not function at all under some circumstances. Accordingly, if you intended to set your web browser to “do not track,” Zerigo cannot be certain whether or not such tracking or collection of Personal Information about your online activities is occurring. In addition, if you are a user of the Zerigo Device and the Zerigo Mobile App, setting your web browser to “do not track” or invoking other such mechanisms may interfere with the routine operation of the Zerigo Mobile App, the Zerigo Device, and the Zerigo Program.

If you have set your web browser to “do not track,” Zerigo does not wish to intentionally track or collect any Personal Information about your online activities on Zerigo’s Websites and/or Apps over time and across third party websites or online services if you do not wish Zerigo to do so. If you have any concerns that such information is being tracked or collected, when you have chosen not to have it tracked, please contact Zerigo as directed below.

ZERIGO’S POLICY TOWARD CHILDREN

The Zerigo Website and/or the Zerigo Mobile App are not intended for use by children under the age of 13, and we do not knowingly collect any Personal Information and/or PHI from such children unless a parent or guardian provides such information on behalf of their child. Children under the age of 13 should not use the Zerigo Website and/or the Zerigo Mobile App at any time, and only a parent or legal guardian should use the Zerigo Website and/or the Zerigo Mobile App on the child’s behalf. If Zerigo learns that we have collected Personal Information and/or PHI from a child under the age of 13 without having received such information from the child’s parent or legal guardian, we will delete such information. Notwithstanding the foregoing, the Zerigo Website and/or the Zerigo Mobile App may be used for the benefit of any minor child by the child’s parent or legal guardian.

PRIVACY POLICIES OF LINKED SITES

Zerigo is not responsible for the privacy practices, security, or the content of any websites or mobile apps that are linked to the Zerigo’s Website and/or the Zerigo Mobile App. If you have any



questions about how these other websites or mobile apps use your information, you should review their policies and contact them directly. Zerigo is not responsible for the actions of third-party advertisers, service providers and/or any other third parties.

YOUR CALIFORNIA PRIVACY RIGHTS

Zerigo does not knowingly disclose to third parties any Personal Information about you as defined in Cal. Civ. Code Section 1798.83 for use in direct marketing purposes. Please visit the Cal. Civ. Code Section 1798.83 (which sets forth your California privacy rights applicable to disclosures to third parties for direct marketing purposes) at:

[https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1798.83.&lawCode=CIV)

[sectionNum=1798.83.&lawCode=CIV](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1798.83.&lawCode=CIV). If you have any reason to believe that Zerigo may have made such a disclosure, you may contact Zerigo and request access to the information, as required by Section 1798.83, as directed below.

COMPLAINTS OR QUESTIONS ABOUT PRIVACY POLICY

If you would like to submit a comment, question, request for correction, or complaint that your privacy rights have been violated, you may do so by sending a communication detailing your concerns to:

Privacy Officer

ZERIGO HEALTH, INC.

12651 High Bluff Dr., Suite 300

San Diego, CA 92130

Email: privacy@zerigohealth.com

Zerigo Phone Number: 877-738-6041, select option #1

You will not be penalized or otherwise retaliated against for filing a complaint. To protect your privacy and security, we will take reasonable steps to verify your identity before taking action regarding any such request or report.

ACCEPTANCE OF THIS PRIVACY POLICY

THIS PRIVACY POLICY IS INCORPORATED INTO AND SUBJECT TO THE ZERIGO TERMS OF USE AND BY ACCESSING, VISITING, AND USING THE ZERIGO WEBSITE, THE ZERIGO MOBILE APP, AND/OR THE ZERIGO DEVICE, YOU REPRESENT AND WARRANT THAT YOU HAVE READ, UNDERSTOOD, ACCEPTED AND AGREED TO ALL OF THE TERMS AND CONDITIONS SET FORTH IN THIS PRIVACY POLICY AND THE TERMS OF USE ON BEHALF OF YOURSELF, YOUR MINOR CHILD (IF APPLICABLE), AND/OR ANY PERSON OR ENTITY FOR WHOM YOU ARE ACTING.