

Optivio Privacy Policy

Last update: 04/02/2021

Optivio, Corp. (“Optivio,” “us,” “we,” or “our”) is committed to protecting and respecting your privacy in connection with your use of our website, www.Optivio.com (the “Website(s)”), applications (“Apps”) and other products, services and features thereof (the Website, the Apps and such other products, services and features are collectively referred to herein as the “Product” or “product”, which may be updated from time-to-time at the sole discretion of Optivio). This privacy policy (“Privacy Policy”) and any other documents referred to herein set forth the basis on which any personal data we collect from you, or that you provide to us, in connection with the product will be processed by us. Please read the following carefully to understand our practices regarding your personal data and how we will collect, use, and disclose your personal data. If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third-party dispute resolution provider (free of charge) at <http://go.adr.org/privacyshield.html>.

DATA WE MAY COLLECT

We may collect and process the following data about you:

- Personal data including, for example, your name, e-mail address, password, and in certain instances, telephone number, data about your usage of the product and data collected by tracking technologies as further described in section 4 below that may identify you as an individual or allow online contact with you as an individual.
- Optivio does not collect or process credit or debit card (“Payment Card”) data.
- For individuals using the Product in connection with an Enterprise client account as described in section 6, business data such as your company name, and company email address to the extent that you or your Company provides such data.
- Device information such as operating system version, device type, and system performance data.
- Data collected via tracking technologies, as fully described in section 4.

CONFIDENTIALITY AND SECURITY

The security of your personal data is important to us. We follow generally accepted standards to protect the personal data submitted to us, both during transmission and once it is received. If you have any questions about the security of your personal data, you can contact us at help@Optivio.com. Except as described under the “Data

Disclosure” section below, we do not provide your personal data to any third party without your specific consent, as defined by applicable law.

NEWSLETTERS OR OTHER ELECTRONIC COMMUNICATIONS

If you sign up to receive promotional materials from us via email and/or (push notifications) we will use the data you give us to provide the communications you have requested. If you inform us that you wish to cancel email promotional materials by selecting “unsubscribe” at the bottom of such communication or by emailing us at help@Optivio.com, we will remove you from our mailing list. If you no longer wish to receive push notifications, you may turn them off at the device level. If you provide your phone number to us directly or through a third-party for the specific purpose of receiving an SMS message with a link to our Apps, you will receive such SMS message (the “SMS Service”). Standard text message rates will apply.

TRACKING TECHNOLOGIES

Optivio and our analytics partners use technologies such as cookies, beacons, tags, and scripts to enable a service to recognize your device, so you do not have to provide the same data several times during one task, to recognize that you may have already given a username and password, so you do not need to do it for every web page requested, and to measure how people are using the product.

We use local storage, such as HTML5, to store content data and preferences. Various browsers may offer their own management tools for removing HTML5. We partner with third parties, such as Google, to manage our advertising of the product on other sites or platforms as well as across your other devices based on your past visits to our Website. Our third-party partners may use technologies such as cookies to gather data about your activities within the product to deliver such advertising to you, such as retargeting ads. We are not always able to respond to do-not-track signals. For more data about interest-based ads, including how to opt-out of having your web-browsing data used for behavioral advertising purposes, please visit www.aboutads.info/choices. Please note that this does not opt you out of being served ads. You may continue to receive generic ads on these third-party platforms. You may also opt out of receiving ads across devices by adjusting your ad preference in your Google account.

We use third party trackers to let us know when users have visited the product by “clicking-through” our sponsored advertising or content hosted on third party platforms. The product use Google Analytics code to gather statistical data. Google Analytics sets cookies to help us accurately estimate the number of visitors to the product and the

volumes of usage of the product. This is done to ensure that the product is available when you want them and are fast. For more data on how Google Analytics processes this data, visit www.google.com/analytics.

We will acquire consent from you to use such trackers to the extent required by applicable law. For more information on the types of cookies used by Optivio and your ability to restrict the behavior of cookies or disable them in your browser's settings, please refer to the Optivio Cookie Policy.

MOBILE ANALYTICS

We use mobile analytics software to allow us to better understand the functionality of our mobile software on your phone. This software may record data such as how often you engage with the product, the events that occur within the product, aggregated usage, and performance data, and where the Applications were downloaded from. We may link the data we store within the analytics software to any personal data you submit within the mobile application.

LOG FILES

We gather certain data and automatically and store it in log files as do most websites. This data may include Internet Protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system, date/time stamp, and/or clickstream data.

If you receive the HTML-formatted version of our email newsletter, your opening of the newsletter is notified to us and saved. Your clicks on links in the newsletter are also saved. These and the open statistics are used in aggregate form to give us an indication of the popularity of the content and to help us make decisions about future content and formatting.

STORING YOUR PERSONAL DATA

All data you provide to us through the product is stored on our secure servers located in the US. Where we have given you (or where you have chosen) a password which enables you to access certain parts of the product, you are responsible for keeping this password confidential. We ask you not to share a password with anyone and suggest that you change your password frequently.

Unfortunately, the transmission of data via the Internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the

security of your data transmitted to the product; any transmission is at your own risk. Once we have received your data, we will use strict procedures and security features to try to prevent unauthorized access.

CORPORATE USE

Optivio is also offered through subscriptions within a business organization. Corporations, governments, hospitals, universities and other organizations and groups make Optivio available to their members, employees, patients, customers, residents, or others. If you have registered to use the product through a code, credential, or other means of registration furnished by your company/employer, your employer may have access to your name, email address, the date you registered to use the Product, and the date on which you last used the Product. Your employer may also have access to their organization's aggregated and anonymized general usage data.

SINGLE SIGN-ON

You may be able to log-in to our product using sign-in services such as an Open ID provider. These services will authenticate your identity, provide you the option to share certain personal data (such as your name and email address) with us, and to pre-populate our sign-up form.

YOUR DATA RIGHTS

The European Union law called the General Data Protection Regulation ("GDPR") gives certain rights to applicable individuals in relation to their personal data. Accordingly, Optivio has implemented transparency and access controls to help such users, including residents of the EU, Switzerland, and the United Kingdom exercise those rights. As required under applicable law, the rights afforded to you are:

- A right of access: you have the right to obtain (i) confirmation as to whether personal data concerning you are processed or not and, if processed, to obtain (ii) access to such data and a copy thereof.
- A right to rectification: you have the right to obtain the rectification of any inaccurate personal data concerning you. You also have the right to have incomplete personal data completed, including by means of providing a supplementary statement.
- A right to erasure: in some cases, you have the right to obtain the erasure of personal data concerning you. Upon request, Optivio will permanently and

irrevocably anonymize your data such that it can never be reconstructed to identify you as an individual. However, this is not an absolute right and Optivio may have legal or legitimate grounds for keeping such data. A right to restriction of processing: in some cases, you have the right to obtain restriction of the processing of your personal data.

- A right to data portability: you have the right to receive the personal data concerning you which you have provided to Optivio, in a structured, commonly used and machine-readable format, and you have the right to transmit those data to another controller without hindrance from Optivio. This right only applies when the processing of your personal data is based on your consent or on a contract and such processing is carried out by automated means.
- A right to object to processing: you have the right to object at any time, on grounds relating to your situation, to processing of personal data concerning you when such processing is based on the legitimate interest of Optivio. Optivio may, however, invoke compelling legitimate grounds for continued processing. When your personal data is processed for direct marketing purposes, you have the right to object at any time to the processing of such data. You may, in particular, exercise that right by clicking on the “unsubscribe” link provided at the bottom of any messages received, or by managing your privacy preferences by logging in to your Optivio account and following the instructions here.
- A right to lodge a complaint with the competent supervisory authority: you have the right to contact the supervisory authority to complain about Optivio’s personal data protection practices.
- A right to give instructions concerning the use of your data after your death: as required by applicable law, you may have the right to give Optivio instructions concerning the use of your personal data after your death. To exercise one or more of these rights, you can email help@Optivio.com. You may access your personal data to modify or update at any time via an online account, or by emailing help@Optivio.com.
- We will respond to your request in a reasonable timeframe in accordance with applicable law.

USES MADE OF THE DATA

We use information held about you in the following ways:

- To provide you with the product.
- To answer your questions or requests for information or handle your complaints.
- To ensure that content provided by the product is presented in the most effective manner for you and for your computer or other device.
- To provide you with promotional communications, such as email, to the extent that you have provided consent to receive such communications under applicable law.
- To carry out our obligations arising from any agreements between you and us.
- To allow you to participate in interactive features of the product when you choose to do so.
- To notify you about updates or changes to product features and content.
- To understand your broad, non-specific geographic location to help us identify groups of users by general geographic market (such as zip code, state, or country).
- To account for applicable sales taxes based on zip codes.
- To inform companies about your registration and use of the product as described under Corporate Use section.
- To serve our advertisements to you through third party platforms, such as Facebook or Google, on other sites and apps or across your devices, to the extent that you have provided consent for such uses under applicable law.
- To provide you with the SMS Service to the extent that you have provided consent for such practices under applicable law.
- We may also ask you to complete surveys that we use for research purposes, although you do not have to respond to them.
- To manage your payments and orders.
- If you are an existing customer, we will only contact you by electronic means (e-mail or in-product communication) with information about products and services like those which were the subject of a previous sale to you, except if you opt-out

to such communications.

LEGAL BASES OF PERSONAL DATA PROCESSING

In accordance with GDPR, Optivio provides the following information regarding its Article 6 legal bases for personal data processing:

The performance of the contract (the Optivio Terms & Conditions) between you and Optivio for the data processing relating to your use of Optivio's.

Optivio's legitimate interest, more specifically:

- Our business interest in providing you with emails and push notifications for timely introductory materials and information about your Optivio account, our product features, updates, and offers.
- Our business interest in offering you particularized or adapted content based on your usage of the product.
- Our business interest in collecting data regarding your general usage activities for the purpose of improving our Optivio user experience.
- Our business interest in requesting that you partake in product surveys to better understand your needs and expectations.
- Our business interest in providing you with customer service communications regarding your account, questions about our content offerings or your mindfulness practice, or any other matters directed to customer service staff, to have clear and easy communication with you and to respond to all your requests.
- Our business interest in collecting data related to unplanned downtime or errors in the product.
- Our business interest in complying with our legal obligations, such as maintaining accurate financial records.

DATA DISCLOSURE

We may disclose your personal data to any member of our group, which means our subsidiaries, our ultimate holding company, and its subsidiaries.

We may also disclose your personal data to third parties as follows:

- In some circumstances, based on your specific requests, we may need to disclose your personal data to a third-party so that it can provide a service you have requested from such party, or fulfill a request for data from such party. An example of this is the SMS Service.
- If Optivio's service providers (like hosting, IT maintenance, market analytics, and payment service providers) require this data to provide services to Optivio.
- Optivio requires each of its service providers to agree to maintain the confidentiality and security of your personal data.
- If we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.
- If Optivio or substantially all our assets are acquired by a third-party, in which case personal data held by us about our customers will be one of the transferred assets.
- If we are under a duty to disclose or share your personal data to comply with any legal obligation such as to comply with a subpoena, bankruptcy proceedings, similar legal process, or to enforce or apply our agreements with you; or to protect the rights, property, or safety of Optivio, our customers, or others. This includes exchanging data with other companies and organizations for the purposes of fraud protection and credit risk reduction.
- With your employer, if your subscription is an Enterprise Subscription, as described under the Corporate Use section above.
- With third parties, such as Facebook, to serve Optivio advertisements on such third-party platforms, to the extent that you have consented to such practices under applicable law.

DATA RETENTION

The retention periods applied by Optivio comply with applicable legislation in effect on the date hereof, namely:

- For data relating to your account: such data will be permanently and irrevocably anonymized if your account is inactive for a period of two (2) years. Moreover, we will permanently and irrevocably anonymize your account data within thirty (30)

days of your written request to do so via email to help@Optivio.com.

- For transactional data relating to your purchases: such data is kept for the entire period of the contractual relationship, then in accordance with legal obligations and applicable statute of limitation periods. Please note that this data does not include Payment Card information, which is processed by a third-party payment processor, and not Optivio.
- For data collected based on your consent to receive our marketing communications: we will use such data until you withdraw consent or applicable law requires that such data are no longer used.
- When your data are collected in the context of requests/queries: such data are kept for the period necessary to process and reply to such requests or queries.
- When cookies or other trackers are placed on your terminal, they are kept for a period of 12 months. Other data will be kept as long as necessary for the purposes pursued and in compliance with our legal obligations, including the applicable statute of limitations.

WITHDRAWAL OF CONSENT FOR PROCESSING ACTIVITIES

To the extent that you have provided appropriate consent under applicable law to certain processing activities, such consent can be withdrawn at any time by emailing help@Optivio.com.

LINKS TO THIRD PARTY SITES

The product may, from time to time, contain links to and from the product of our partner networks, advertisers and affiliates. If you follow a link to any of these external websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these websites or their policies. Please check these policies before you submit any personal data to these external websites.

HEALTHKIT

Apple iOS users may opt-in to allow the product to provide and any and all data from Apple HealthKit to the Optivio product. At a minimum, the Optivio product will generally require certain health and activity related data such as heart rate, heart rate variability, accelerometer, gyrometer, and fitness information. This data will not be shared with third-parties or used for marketing purposes.

USE OF OPTIVIO BY MINORS

You must be 18 years of age, or the age of majority in your province, territory, or country, to sign up as a registered user of the product. Individuals under the age of 18, or the applicable age of majority, may utilize the product only with the involvement of a parent or legal guardian under such person's account.

DATA POSTED ON FORUMS

Optivio users may have the ability to post content to one or more Optivio forums. All such users may request and obtain removal of such posted content by contacting Optivio at help@Optivio.com and specifically identifying the content to be removed. Please be advised that any such removal does not ensure complete or comprehensive removal of all traces of the content posted on the Optivio forum(s).

CHANGES TO OUR PRIVACY POLICY

We may update this Privacy Policy to reflect changes to our data practices. If we make any material changes, we will notify you by in-product message, email (sent to the e-mail address specified in your account) or by means of a notice in the product prior to the change becoming effective. We encourage you to periodically review this page for the latest data on our privacy practices.

CONTACT AND EEA REGISTERED AGENT

Questions, comments, and requests regarding this privacy policy are welcomed and should be addressed to help@Optivio.com. Optivio's principal office address is 545 Boylston Street, Boston, MA 02116.

TRANSMISSION TO OTHER COUNTRIES

The subsidiaries, service providers, or other third parties listed above to whom Optivio may disclose your personal data may be domiciled abroad, and outside the European Union, Switzerland, and the United Kingdom.

In such case, Optivio will require them to take, in accordance with applicable legislation, contractual, organizational, and technical measures designed to ensure an adequate level of protection of your personal data, such as the use of Standard Contractual Clauses approved by the European Commission.

Considering the recent Schrems II decision by the European Court of Justice on July 16, 2020, we are no longer relying on EU-U.S. Privacy Shield and the Swiss-U.S. Privacy Shield

and are working to implement other transfer mechanisms such as Standard Contractual Clauses to address any transfers of personal data to the U.S., consistent with applicable law.

For personal data collected from individuals located in the European Union, Switzerland, and the United Kingdom, you can opt-out of whether such personal data is disclosed to a third-party (apart from service providers) or is to be used for a purpose that is materially different for the purpose for which it was originally collected or subsequently authorized. You can contact Optivio at help@Optivio.com to make such choices.

CCPA ADDENDUM

Effective Date: January 1, 2021

This California Consumer Privacy Act (“CCPA”) Addendum for California residents supplements the information contained in the above Privacy Policy and applies solely to all visitors, users and others who reside in the State of California. We adopt this CCPA Addendum to comply with the CCPA, and any terms defined in the CCPA have the same meaning when used in this Addendum.

INFORMATION WE MAY COLLECT FROM YOU

Our product collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“personal information”). In particular, the product has collected the following categories of personal information from consumers within the last twelve (12) months:

CATEGORY	EXAMPLES	COLLECTED
Identifiers	First and last name, email address, Internet Protocol address, online identifiers.	Yes
Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	First and Last name	Yes
Internet or similar network activity	Browsing history or information on a consumer’s interaction with the product Or our advertisements on third-party platforms	Yes

The specific types of personal information we collect are described more fully in the DATA WE MAY COLLECT section of the Privacy Policy. Personal information does not include: (1) deidentified or aggregated consumer information; (2) publicly available information from government records; or (3) information excluded from the CCPA's scope.

- We obtain the categories of personal information listed above from the following categories of sources:
- Directly from you. For example, from forms you complete when registering for the product.
- Indirectly from you. For example, from observing your actions on our product.
- Directly from your employer associated with the Enterprise license of our product.

USE OF PERSONAL INFORMATION

We may use or disclose the personal information we collect for the purposes described in the USES MADE OF THE DATA section of the Privacy Policy.

SHARING PERSONAL INFORMATION

We may disclose your personal information to third parties for a business purpose. When we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not to use it for any purpose except performing the contract.

YOUR RIGHTS AND CHOICES

Access to Specific Information and Data Portability Rights the CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting that personal information.
- The categories of third parties with whom we share that personal information.
- The categories of personal information we share with third parties.
- The specific pieces of personal information we collected about you (also called a

data portability request).

Deletion Request Rights

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will permanently and irrevocably anonymize your personal information, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

- Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it. Exercising Access, Data Portability, and Deletion Rights To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:
 - Emailing us at help@Optivio.com

- Calling us at 617-236-0954

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it. We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you. We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request. We also provide an easy-to-view snapshot of your personal information that we have processed via the "My Data" tab in the product.

Response Timing and Format

Upon receiving a request for access, portability, or deletion, we will confirm receipt of the request within 10 days and provide information about our verification process and how we will process the request.

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time, we will inform you of the reason and extension period in writing. We will deliver our written response to the email address associated with the account for account holders, and to the email address provided with the request submission for non-account holders.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily readable and useable.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Cookie-Based Marketing Opt-Out

Like most companies, we partner with third parties, such as Google, to manage our marketing of Optivio on other platforms, where such advertising is based on your past visits to our product. These third-party partners may use technologies, such as cookies, to gather information about your activities on the product to deliver such advertising to you when you visit their platforms. For instance, if you visit www.Optivio.com, a cookie may be attached to your browser in the form of the Google Pixel that allows Optivio to deliver advertising to you on the Google platform.

You can opt-out of the above-referenced cookie-based retargeting by visiting the Optivio Cookie Policy and clicking “opt-out of marketing/analytics cookies” at the bottom of the page. Doing so will erase all current marketing cookies and disable the placement of future marketing cookies.

We do NOT use cookies so that third parties can serve ads to you about their own products or services.

We do NOT sell or rent your personal information to any third parties for their own advertising or marketing purposes.

Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to our CCPA Addendum

We reserve the right to amend this CCPA Addendum at our discretion and at any time. When we make changes to this CCPA Addendum, we will post the updated notice on the Website and update the effective date. Your continued use of our product following the posting of changes constitutes your acceptance of such changes.

Contact Information

If you have any questions or comments about this CCPA Addendum, the ways in which we collect and use your information described above and in the Privacy Policy, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Email: help@Optivio.com

Phone: 617-236-0954

Postal Address: Optivio, Inc., Attn: Legal- CCPA; 545 Boylston Street, Boston, MA 02116

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