

# LEVY HEALTH

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## Privacy Policy USA

### 1. Introduction

We're so glad you're here. We take the protection of your personal data (hereinafter referred to as "data") seriously and therefore comply with the applicable data protection laws. With this data protection declaration, we are fulfilling our duty to inform users under Article 12 et seq. of the General Data Protection Regulation (hereinafter referred to as "GDPR").

Furthermore, protecting the privacy and security of patient data that we handle daily is of utmost importance to us, and we follow the requirements set forth by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In the following sections, you'll get an overview of the data we store, as well as when and how we use it.

We will only collect your data to the extent that is technically necessary. Under no circumstances will we sell your data or pass it on to third parties for unjustified reasons. When we provide links to other websites, please note that we have neither influence nor control over the content or the data privacy policies of the respective websites. We recommend you review the data privacy policies on the linked websites. Please read this Privacy Policy carefully, together with our Terms and Conditions. You can access, download and print these at any time from [www.levy.health](http://www.levy.health)

### 2. Contact Information - Who is LEVY Health?

LEVY Health is a medical software company focusing on women's health. It developed a web-based clinical decision support software (CDSS), exempt from FDA approval under FDA-2017-D-6569. The software, called The LEVY Fertility Code, is offered to clinicians in the United States and operated by us, Levy Health GmbH, Torstraße 223, 10115 Berlin, and our subsidiaries, represented by the management (hereinafter referred to as "LEVY" ) under [www.levy.health](http://www.levy.health) and any associated sub-domains.

## **2.1 Contact details of the Responsible Person(s)**

**Levy Health GmbH**

Torstraße 223, 10115 Berlin

represented by the management

E-mail: [hello@levy.health](mailto:hello@levy.health)

Phone: (415)-969-3373

## **2.2 Contact details of the Data Protection Officer**

PROLIANCE GmbH

Leopoldstr. 21, 80802 München

<http://www.datenschutzexperte.de>

[datenschutzbeauftragter@datenschutzexperte.de](mailto:datenschutzbeauftragter@datenschutzexperte.de)

## **3. Definitions**

In order to ensure that our Privacy Policy is as simple and understandable as possible, we generally use the official terms from the General Data Protection Regulation (GDPR). In Article 4 of the GDPR you will find explanations of the official definitions.

### **3.1 Controller**

According to Art. 4 No. 7 of the GDPR, the controller is the person who decides on the purposes and means of the processing of personal data. Above all, he or she determines what is processed, how and for what purpose. He is responsible for data processing and must ensure that the data protection regulations are followed.

### **3.2 Processor**

Pursuant to Art. 4 No. 8 GDPR/DSGVO, a processor is a service provider who processes personal data on behalf of the controller.

### **3.3 Personal Data**

According to Art. 4 No. 1 of the GDPR, personal data is any information that can be directly or indirectly attributed to an identifiable natural person ("data subject").

## **3.4 Processing**

According to Art. 4 No. 2 GDPR, processing means all possible types of data processing. This includes the collection, recording, organization, structuring, storage, adaptation, modification, reading, querying, use, disclosure, transmission, dissemination, linking, restriction, deletion or destruction of personal data.

## **3.5 Data Subject**

According to Art. 4 No. 1 of the GDPR, the data subject is a natural person who can be identified directly or indirectly based on the data.

## **3.6 Recipient**

According to Art. 4 No. 9 GDPR/DSGVO, the recipient is the party to which personal data is disclosed, regardless of whether it is a third party or not.

## **3.7 Third Party**

According to Art. 4 No. 10 GDPR, a third party is anyone other than the data subject, controller, processor and persons authorized to process the personal data under the direct authority of the controller or the processor.

## **3.8 Processing of Special Categories of Personal Data**

Pursuant to Art. 9 (1) of the GDPR, special categories of personal data include, in particular, health data of the data subject.

## **3.9 Consent**

According to Art. 4 No. 11 GDPR, consent is any freely given, specific, informed and unambiguous indication of the data subject's wishes by a statement or by a clear affirmative action (e.g. actively ticking a checkbox provided for this purpose) which signifies agreement to the processing of personal data relating to him or her.

# **4. Lawfulness of Processing**

As soon as you visit our platform at [www.levy.health](http://www.levy.health) or any associated sub-domains, the browser you use automatically sends certain data to the server of our platform and stores it there for a limited period of time in a log file. We collect this data to ensure a smooth website connection and comfortable user experience. In addition, the log file is used to evaluate system

security and stability as well as for administrative purposes. The legal basis for the temporary storage of the data or the log files is Art. 6 para. 1 lit. f GDPR/DSGVO.

## 4.1 Data processed

The following data will be processed by us for the above purpose, taking into account the legal basis:

- IP address
- Date and time of access
- Content accessed (specific page)
- Access status
- Amount of data transferred
- Website access comes from (the referrer URL)
- Browser type and version
- Operating system

## 4.2 Data saved

For reasons of technical security, in particular to defend against attempted attacks to our web server, we may store this data for a short period of time. It is not possible to draw conclusions about you as an individual person from this data. After seven days at the latest, the data is anonymized by shortening the IP address at domain level, so that it is no longer possible to establish a relationship to the individual user. This data is not analyzed in any way except for statistical purposes in anonymized form. This data is not merged with data from other data sources.

# 5. Cookies

Cookies are used on our platform. These are small text files that are automatically saved by the browser you are using and stored on your end device (e.g. PC or smartphone) as a small text file. Cookies do not contain viruses, Trojans or other malware that could cause damage to the end device you are using. They remain stored until you delete them yourself or until they are automatically deleted by your web browser.

Cookies have various functions. Many cookies are technically necessary, as certain website functions would not work without them (e.g. shopping baskets or language settings). Other cookies are used to evaluate user behavior or to display advertising.

Technically necessary cookies are stored on the basis of Art. 6 para. 1 lit. f GDPR/DSGVO. We have a legitimate interest in storing cookies to allow us to provide our services in a technical error-free and optimized manner. Other cookies are only stored with your consent on the basis of Art. 6 para. 1 lit. a GDPR/DSGVO. This consent can be revoked at any time for the future. The legal basis may also arise from Art. 6 (1) lit. b GDPR/DSGVO if the processing is necessary to

carry out a contract involving the data subject or to carry out pre-contractual measures at the request of the data subject.

If cookies are used for analysis purposes, we will inform you about this separately within the framework of this Data Privacy Policy and request your consent.

You can set your browser so that you

- are informed about the setting of cookies;
- allow cookies only in individual cases;
- exclude the acceptance of cookies for certain cases or in general;
- activate the automatic deletion of cookies when closing the browser.

The cookie settings can be managed under the following links for the respective browsers:

- [Google Chrome](#)
- [Mozilla Firefox](#)
- [Edge \(Microsoft\)](#)
- [Safari](#)
- [Opera](#)

Please note that if you disable cookies, our platform's functionality may be limited.

## 6. Using our Services

General data processing on our platform, the LEVY Fertility Code: Reproductive Health Assessment, lab result interpretation and recommendation of diagnoses and therapeutic next steps.

The first step of the LEVY Fertility Code is to fill out an interactive medical questionnaire using a web browser. Our questionnaire contains a large number of questions that react interactively based on your responses. The aim is to provide the software with specific information about your health and current life situation for the intended analysis. The medical questionnaire generates a recommendation for a custom list of biomarkers to be tested. Our software generates this recommendation based on our clinical knowledge database, which was developed based on extensive evaluation of specialist medical literature, studies, clinical practice guidelines and similar medical sources.

By submitting the completed questionnaire and uploading the results from your blood test, you initiate the analysis process with the LEVY Fertility Code. You are obliged to answer all questions posed to you within the framework of this process truthfully and completely, get a blood test in a third party lab, and upload your test results in the correct format. You must inform LEVY Health immediately of any changes to your state of health which are or could be likely to influence the evaluation. You must also inform LEVY if you face difficulties when uploading

the correct format of your test results. Giving complete and truthful answers and uploading the test results are mandatory prerequisites for the analysis process and result to function properly.

The information you provide in the Reproductive Health Assessment, blood test results, and respective recommendations for diagnoses & therapeutic steps will be made available to your doctor, the LEVY personnel and third party service providers of Levy Health GmbH.

<b>Processed Data</b>	<b>Purpose</b>	<b>Legal Basis</b>	<b>Recipient</b>	<b>Storage Period</b>
Health data (e.g. existing diseases, data on your menstrual cycle, your sexuality, family history and previous pregnancies), Lab results, Recommendations	Report suspected diagnoses and recommendations	Consent	Authorized service provider and your doctor	Until the user explicitly requests data deletion; Legal storage obligations

## 7. Contacting Us

You have the option to contact us by phone, email, social media (e.g. Facebook, Instagram, LinkedIn, ...) and the contact form on our website.

Once you contact us, your contact details and your message will be stored for the purpose of processing the inquiry and in the event of follow-up questions.

Under no circumstances will we pass on this data without your consent. The legal basis for processing the data is our legitimate interest in responding to your request in accordance with Art. 6 (1) lit. f GDPR/DSGVO and, if applicable, Art. 6 (1) lit. b GDPR/DSGVO if your request is aimed at concluding a contract. Your data will be deleted after your inquiry has been processed, provided that there are no legal obligations to retain the data. In accordance with Art. 6 para. 1 lit. f GDPR/DSGVO, you can object to the processing of your personal data at any time with effect for the future.

<b>Processed Data</b>	<b>Purpose</b>	<b>Legal Basis</b>	<b>Recipient</b>	<b>Storage Period</b>
Master data, contact details, content of the request	Contact	Consent	-	Until the user explicitly requests data deletion; Legal storage obligations

## 8. Social Media Platform Integration

We may use links to well-known social media platforms (e.g. Facebook, Instagram, etc.) as part of our platform. By clicking on the corresponding link (e.g. via a logo), you will be forwarded to

our profile on the respective social media platform. Direct contact and the associated exchange of data between you and the social media platform is only established - in contrast to the use of conventional web plugins - when you actively click on the respective link. In this respect, we do not process your data in accordance with the GDPR.

Please also note the data privacy policies stored in our profiles on the various social media platforms. These apply exclusively to data processing within the scope of the corresponding profile. Further information in connection with the linked social media platforms can also be found in the data privacy policies of the respective platform operators.

## **9. Integration of Third Party Content**

Under certain circumstances, we integrate third-party content such as videos, maps, RSS feeds or graphics within the framework of our platform. In order for this content to be integrated on our platform, the content providers (hereinafter referred to as "third-party providers") need to be aware of your IP address, otherwise the content would not be able to be sent to your browser.

We endeavor to only use content from third-party providers who use your IP address solely for the purpose of delivering the content. However, we have no influence on whether third-party providers process your IP address for other purposes, such as statistical analysis. If we become aware of such a procedure, we will inform you accordingly within the framework of this Data Privacy Policy.

You have the option to prevent the processing of your data by downloading and installing a browser add-on, which blocks Java scripts. You can also deactivate the use of Java scripts in your browser settings. However, if you block Java scripts, we cannot guarantee the provision of our service.

## **10. Transfer of Data to Third Parties**

As a rule, your identifiable data will not be transferred to third parties unless:

- we have explicitly pointed this out in the description of the respective data processing;
- you have given your express consent in accordance with Art. 6 Para. 1 Sentence 1 lit. a GDPR/DSGVO;
- the disclosure is necessary for the assertion, exercise or defense of legal claims pursuant to Art. 6 (1) sentence 1 lit. f GDPR/DSGVO or is in our legitimate interest for other reasons and there is no reason to assume that you have an overriding interest in not having your data disclosed;
- there is a legal obligation for the disclosure according to Art. 6 para. 1 sentence 1 lit. c GDPR/DSGVO and
- this is necessary to process contractual relationships with you according to Art. 6 para. 1 p. 1 lit. b GDPR/DSGVO.

# 11. Your Rights as a Data Subject

As a "data subject" within the meaning of Art. 4 No. 1 of the GDPR, you are entitled to certain indispensable rights (data subject rights):

- Right to information pursuant to Art. 15 GDPR/DSGVO
- Right to rectification pursuant to Art. 16 GDPR/DSGVO
- Right to deletion pursuant to Art. 17 GDPR/DSGVO
- Right to restriction of processing pursuant to Art. 18 GDPR/DSGVO
- Right to information pursuant to Art. 19 GDPR/DSGVO
- Right to data portability pursuant to Art. 20 GDPR/DSGVO
- Right to lodge a complaint pursuant to Art. 77 GDPR/DSGVO
- Right to withdraw consent granted pursuant to Art. 7(3) GDPR/DSGVO
- Right to object pursuant to Art. 21 GDPR/DSGVO

(1) The right to request information about how your personal data is processed by us is pursuant to Art. 15 GDPR/DSGVO. In particular, you can request information about the processing purposes, category of personal data, categories of recipients to whom your data have been or will be disclosed, planned storage period, the existence of a right to rectification, deletion, restriction of processing or objection, the existence of a right of complaint, the origin of your data if it has not been collected by us, as well as about the existence of automated decision-making including profiling and, if applicable, meaningful information about its details.

(2) The right to request the correction of incorrect or incomplete personal data stored by us without delay is in accordance with Art. 16 GDPR/DSGVO.

(3) The right to request the deletion of your personal data stored by us is in accordance with Article 17 of the GDPR, unless the processing is necessary to exercise the right of freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for the establishment, exercise or defense of legal claims.

(4) The right to request the restriction of the processing of your personal data is in accordance with Art. 18 GDPR/DSGVO, insofar as the accuracy of the data is disputed by you, the processing is unlawful, you object to its deletion and we no longer need the data, you require it for the assertion, exercise or defense of legal claims or you have objected to the processing of your data in accordance with Art. 21 GDPR/DSGVO.

(5) The right to receive the personal data you have provided to us in a structured, commonly used and machine-readable format or to request that it be transferred to another controller, in accordance with Article 20 of the GDPR.

(6) The right to complain to a supervisory authority is in accordance with Article 77 of the GDPR. As a rule, you can contact the supervisory authority of the federal state of our registered office stated above or, if applicable, that of your usual place of residence or workplace.

(7) The right to revoke consent given is in accordance with Art. 7 (3) GDPR/DSGVO. You have the right to revoke consent to the processing of your data given at any time with effect for the future. In the event of revocation, we will immediately delete the data concerned unless further processing has a legal basis for processing without consent. The revocation of consent does not affect the lawfulness of the processing carried out before consent was revoked.

#### **(8) The right of objection.**

**If your personal data is processed by us on the basis of legitimate interests pursuant to Art. 6 (1) sentence 1 lit. f GDPR/DSGVO, you have the right to object to the processing of your personal data pursuant to Art. 21 GDPR/DSGVO, provided that this is done for reasons arising from your particular situation. If you object to the processing of personal data for the purpose of direct marketing, you have a general right of objection without the requirement to specify a particular situation.**

**If you wish to exercise your right of withdrawal or objection, simply send an email to [hello@levy.health](mailto:hello@levy.health).**

## **12. Data Security, Storage Location and Integration of Service Providers**

To ensure the best possible protection for your data, we use secure socket layer encryption (SSL) or transport layer security encryption (TLS) on our platform. This encryption ensures that the data you transmit to us cannot be read, diverted or changed by unauthorized third parties during transmission.

In addition, your data will only be stored and processed in appropriately security-certified data centers within the European Union. In this respect, we reserve the right to use various service providers to store and process your data, but they will only act on our behalf and in accordance with our instructions. We will oblige the service providers we use to take technical and organizational measures that are suitable according to the current state of technology to ensure that your data is processed in accordance with data protection. Under no circumstances will your data be passed on or sold to third parties by our service providers.

## **13. Amendment of this Privacy Policy**

We reserve the right to change this Privacy Policy with effect for the future to enable us to react appropriately to changes in the law, case law or economic circumstances.

We will inform you in good time of any changes we intend to make to this Privacy Policy and make the specific change available as a full text.

We will never restrict your rights as a "data subject" within the meaning of the Privacy Policy (data subject rights) by amending this policy.

We regularly review our Privacy Policy and may make changes to it. Any changes will be posted on our website and, where appropriate, you will be notified.

You can access, download and print out the current version of this Privacy Policy at any time at [www.levy.health](http://www.levy.health)

## **14. HIPAA**

The HIPAA regulation mandate that covered entities maintain the confidentiality of patients' health information (protected health information = PHI), which includes both medical and individually identifiable information of a patient, such as name, address, phone number, test orders, test results, social security number and other confidential information that could reveal the patient's identity. Levy Health GmbH prohibits the unauthorized use or disclosure of such information except as required by law. Levy Health GmbH does not fall under the regulations of a covered entity, but meets HIPAA requirements.

We maintain reasonable security measures to safeguard your PHI from loss, interference, misuse, unauthorized access, disclosure, alteration, or destruction. We also maintain reasonable procedures to help ensure that such data is reliable for its intended use and is accurate, complete, and current.

Your rights to access and control your PHI are mentioned above as well as how we may use and disclose it.