

## Privacy Policy USA

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## 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.

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)

This Privacy Policy ("**Privacy Policy**") describes the data protection practices of Levy Health GmbH. We refer to the Websites, and other services provided by Levy Health GmbH together in this Privacy Policy as the "**Services**." This Privacy Policy is incorporated into our Terms of Use.

If you are a California or Nevada resident, please see our Privacy Information for California or Nevada Residents provided below.

PLEASE READ THIS PRIVACY POLICY CAREFULLY TO UNDERSTAND HOW WE HANDLE YOUR INFORMATION. IF YOU DO NOT AGREE TO THIS PRIVACY POLICY, PLEASE DO NOT USE THE SERVICES.

## 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.

### Levy Health GmbH

Torstraße 223

10115 Berlin

represented by the management

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

Phone: (415)-969-3373

## Collected Information

We collect information about you through the means discussed below when you use the Services. Please note that we need certain types of information so that we can provide the Services to you. If you do not provide us with such information, or ask us to delete it, you may no longer be able to access or use part or all of our Services.

### Information You Provide to Us

We collect a variety of information that you provide directly to us. The specific types of information we collect will depend upon the Services you use, how you use them, and the information you choose to provide. The types of data we collect directly from you includes:

- Name, address, telephone number, date of birth, and email address
- Information about your medical conditions, treatment options, physician referrals, lifestyle and personal preferences, cycle information, information about your partner, prescriptions, genetics, ultrasound and X-Ray pictures, and lab results or other related health information, such as your physical and emotional characteristics
- Log-in credentials, if you create an account (passwords are encrypted)
- Billing information, such as shipping address, credit or debit card number, verification number, and expiration date, collected by our payment processors on our behalf
- Information about purchases or other transactions with us
- Information about your customer service and maintenance interactions with us
- Demographic information such as your gender, race/ethnicity, and age, marital status and number of children, and similar information in connection with the Services

- Any other information you choose to directly provide to us in connection with your use of the Services.

## Automated Collected Information

We collect certain information about your use of the Services and the devices you use to access the Services, as described in this Section. As discussed further below, we and our service providers (which are third party companies that work on our behalf), may use a variety of technologies, including cookies, SDKs, and similar tools, to assist in collecting this information.

**Our Websites.** When you use our Websites, we collect and analyze information such as your IP address, browser types, browser language, operating system, the state or country from which you accessed the Services, software and hardware attributes (including device IDs) referring and exit pages and URLs, platform type, the number of clicks, files you download, domain names, landing pages, pages viewed and the order of those pages, the amount of time spent on particular pages, the terms you use in searches on our sites, the date and time you used the Services, error logs, and other similar information.

**Location Information.** When you use the Services, we and our service providers may automatically collect general location information (e.g., IP address, city/state and or postal code associated with an IP address) from your computer or mobile device. This information allows us to enable access to content that varies based on a user's general location.

We will ask your permission before collecting your precise GPS location information. In such instances, we will use your precise geo-location information to provide customized services, content, promotional offers and other information that may be of interest to you. If you no longer wish for us and our service providers to collect and use GPS location information, you may disable the location features on your device. Please see your device manufacturer settings.

**Our Use of Cookies and Similar Online Tools.** To collect the information discussed in this Section, we and our service providers use web server logs, cookies, tags, SDKs, tracking pixels, and other similar tracking technologies. We use these technologies to offer you a more tailored experience.

- A web server log is a file where website activity is stored.
- An SDK is a set of tools and/or code that we embed in our Apps and software to allow third parties to collect information about how users interact with the Services.
- A cookie is a small text file that is placed on your computer or mobile device when you visit a site, that enables us to: (i) recognize your computer/device; (ii) store your preferences and settings; (iii) understand the parts of the Services you have visited and used; (iv), enhance your user experience by delivering and measuring the effectiveness of content and advertising tailored to your interests; (v) perform searches and analytics; and (vi) assist with security and administrative functions.
- Tracking pixels (sometimes referred to as web beacons or clear GIFs) are tiny electronic tags with a unique identifier embedded in websites, online ads and/or email that are designed to: (1) collect usage information like ad impressions or clicks and email open rates; (2) measure popularity of the Services and associated advertising; and (3) access user cookies.

As we adopt additional technologies, we may also gather information through other methods.

Please note that you can change your settings to notify you when a cookie is being set or updated, or to block cookies altogether. Please consult the "Help" section of your browser for more information (e.g., [Internet Explorer](#); [Google Chrome](#); [Mozilla Firefox](#); or [Apple Safari](#)). Please note that by blocking, disabling, or managing any or all cookies, you may not have access to certain features or offerings of the Services.

## Social Media Information

When you "like" or "follow" us on Facebook, Instagram, Twitter, or other social media platforms, we may collect some information from you including your name, email address, and any comments or content you post relevant to us. We also collect your information if you sign up for one of our promotions or submit information to us through social media platforms.

If you access the Services through a third-party connection or log-in (e.g., through a social network or third-party authentication tool), you may allow us to have access to and store certain information from such third parties depending on your settings on such services. If you do not wish to have this information shared, do not use these connections to access the Services. For a description of how these third parties handle your information, please refer to their privacy policies and terms of use, which may permit you to modify your privacy settings.

## Information from other Sources

We work closely with third parties (including, for example, third party intermediaries, such as physicians, and medical professionals to provide you with the Services, as well as with advertising networks, analytics providers, marketing partners, and search information providers). Such third parties will sometimes provide us with additional information about you.

## How we use your Information

In connection with providing you with the Services, we may use your information for our business purposes to:

- Carry out, improve, and manage the Services and, as applicable, facilitate the provision of health care services to you by physicians or other health care providers and ensure that the physicians or health care providers have the services and support necessary for health care operations.
- Engage in internal research to understand the effectiveness of our Services, improve our Services, and better understand our user base. If we publish or provide the results of this research to others, such research will be presented in a de-identified and aggregate form such that individual users cannot be identified.
- Communicate with you about the Services, your use of the Services, or your inquiries related to the Services and send you communications on behalf of physicians or other health care providers utilizing the Services to meet your needs.
- Communicate with you (in accordance with applicable legal requirements) by email, postal mail, or phone about surveys, promotions, special events or our products and Services and those of our subsidiaries, affiliates, and parent companies and any of their related businesses and those of our third-party partners.
- Provide you with technical support and customer service, and troubleshoot any technical issues or errors.
- Verify your identity and administer your account, including processing your payments, fulfilling your orders, and verifying the authenticity of your government-issued identification photo.
- Ensure that content from our Services is presented in the most effective manner for you and for your computer or device, allow you to participate in interactive features of our Services (when you choose to do so), and as part of our efforts to keep our Services safe and secure.
- Provide you with more relevant advertisements and personalized content, and measure or understand the effectiveness of advertising and content we serve to you and others, and to deliver and customize relevant advertising and content to you.
- Help us better understand your interests and needs, such as by engaging in analysis and research regarding use of the Services.
- Comply in good faith with any procedures, laws, and regulations which apply to us where it is necessary for our legitimate interests or the legitimate interests of others.

- Establish, exercise, or defend our legal rights where it is necessary for our legitimate interests or the legitimate interests of others, such as protecting against malicious, fraudulent, or illegal activity.

**Combined Information.** For the purposes discussed in this Privacy Policy, we may combine the information that we collect through the Services with information that we receive from other sources, both online and offline, and use and share such combined information in accordance with this Privacy Policy.

**Aggregate/De-Identified Data.** We may aggregate and/or de-identify any information collected through the Services so that such information can no longer be linked to you or your device ("Aggregate/De-Identified Information"). We may use Aggregate/De-Identified Information for any purpose, including for research and marketing purposes, and may also share such data with any third parties, including advertisers, promotional partners, and sponsors.

## **Analytics and Advertising**

### **Online Analytics**

We may use third-party web analytics services (such as those of Google Analytics (including Google Signals, Google User-ID, and other Google Analytics features)) on our Services to collect and analyze usage information through cookies and similar tools; engage in auditing, research, or reporting; assist with fraud prevention; try to locate the same unique users across multiple browsers or devices to better tailor services and features; and provide certain features to you. If you have a Google account with personalized advertising enabled, through Google Signals, Google will also be able to gather analytics and engagement information across the various devices you use to access the Services. To prevent Google from using your information for analytics (including cross-device tracking for personalization purposes), you may install the Google Analytics Opt-out Browser Add-on by [clicking here](#). To opt out of Google Signals, look for "Opt out of Ads Personalization" in the settings menu of your Google account. You may also be able to disable cross-device tracking through your Android or Apple device-based settings.

If you receive email from us, we may use certain analytics tools, such as clear GIFs to capture data such as when you open our message or click on any links or banners our email contains. This data allows us to gauge the effectiveness of our communications and marketing campaigns.

### **Online Advertising**

The Services may integrate third-party advertising technologies (e.g., ad networks and ad servers such as Facebook, Google Ad Words, TikTok, Criteo and others) that use cookies, pixels, and other technologies to deliver relevant content and advertising for LEVY products on the Services, as well as on other websites you visit and other applications you use. The ads may be based on various factors such as the content of the page you are visiting, information you enter such as your searches, demographic data, and other information we collect from you. These ads may be based on your current activity or your activity over time and across other websites and online services.

We sometimes provide our customer information (such as email addresses) to service providers, who may "match" this information in de-identified form to cookies (or mobile ad identifiers) and other proprietary IDs, in order to provide you with more relevant ads when you visit other websites and mobile applications. If you began using the Services after October 14th, 2021, we may also share customer information such as your email address with third-party advertising networks that use such information to better target advertising to you regarding Levy products and services, as well as other products and services, as you browse the internet.

We neither have access to, nor does this Privacy Policy govern, the use of cookies or other tracking technologies that may be placed on your device you use to access the Services by non-affiliated third party advertising network services. If you are interested in more information about tailored browser advertising and how you can

generally control cookies from being put on your computer to deliver tailored advertising, you may visit the [Network Advertising Initiative's Consumer Opt-Out link](#), the [Digital Advertising Alliance's Consumer Opt-Out link](#), or [Your Online Choices](#) to opt-out of receiving tailored advertising from companies that participate in those programs. If you are interested in more information about Criteo's privacy practices or opting-out of Criteo's advertising services, you may view their [Privacy Policy](#). To opt out of Google Analytics for display advertising or customize Google display network ads, visit the [Google Ads Settings page](#). To [update your advertising preferences with Facebook, click here](#). To [update your advertising preferences with TikTok, click here](#). We do not control these opt-out links, whether these opt-out links change over time, or whether any particular company chooses to participate in the industry opt-out programs listed above. We are not responsible for any choices you make using these mechanisms or the continued availability or accuracy of these mechanisms.

Please note that if you exercise the opt out choices above, you will still see advertising when you use the Services, but it will not be tailored to you based on your online behavior over time.

## Notice Concerning Do Not Track

Do Not Track ("DNT") is a privacy preference that users can set in certain web browsers. We are committed to providing you with meaningful choices about the information collected on our Websites for third party purposes, and that is why we provide the variety of opt-out mechanisms listed above. However, we do not currently recognize or respond to browser-initiated DNT signals. To [learn more about Do Not Track, you can do so here](#).

## How We Share and Disclose Your Information

We may share your information for our business purposes in the following ways:

- **Affiliates and Subsidiaries.** We may share information we collect within any LEVY member or group (i.e., our subsidiaries and affiliates, including our ultimate holding company and its subsidiaries) to deliver products and services to you, ensure a consistent level of service across our products and services, and enhance our products, services, and your customer experience.
- **Health Care Providers and Services.** We share your information with health care providers: (i) to schedule and fulfill appointments and provide health care services as part of the Services, (ii) to whom you send messages through our Services, and (iii) for other treatment, payment or health care operations purposes, including pharmacy services, upon your request.
- **Service Providers.** We provide access to or share your information with select third parties who use the information to perform services on our behalf. They provide a variety of services to us, including billing, content/service enhancements, sales, marketing, advertising, analytics, research, customer service, shipping and fulfillment, data storage, IT and security, fraud prevention, payment processing, and auditing, consulting, and legal services. These entities may also include health care organizations, pharmacies, and other third parties we use to support our business or in connection with the administration and support of the Services.
- **Advertising Networks.** Please see the "Online Advertising" section above for details about how we share information with advertising partners.
- **Joint Product/Marketing Partners.** These are entities that jointly offer or provide services or products with us. These entities collect and use data in accordance with their own terms and privacy policies.
- **Protection of LEVY and Others.** By using the Services, you acknowledge and agree that we may access, retain and disclose the information we collect and maintain about you if required to do so by law or in a good faith belief that such access, retention or disclosure is reasonably necessary to: (a) comply with legal process (e.g. a subpoena or court order); (b) enforce our Terms of Use, this Privacy Policy, or other contracts with you, including investigation of potential violations thereof; (c) respond to claims that any content violates the rights of third parties; (d) respond to your requests for customer service; and/or (e) protect the rights, property or personal safety of LEVY, its agents and affiliates, its

users and/or the public. This includes exchanging information with other companies and organizations for fraud protection, and spam/malware prevention, and similar purposes.

- **Business Transfers.** As we continue to develop our business, we may buy, merge, or partner with other companies. In such transactions, (including in contemplation of such transactions) user information may be among the transferred assets. If a portion or all of our assets are sold or transferred to a third-party, customer information (including your email address) would likely be one of the transferred business assets. If such transfer is subject to additional mandatory restrictions under applicable laws, we will comply with such restrictions.
- **Public Forums/User Interactions.** Certain features of our Services make it possible for you to share comments publicly or with other users. Any information that you post publicly is not confidential, and we may use it for any purpose (including in testimonials or other marketing materials). For example, if you submit a product review on one of our Websites, we may display your review (along with the name provided, if any) on other LEVY's Websites and on third-party websites. Any information you post openly in these ways will be available to the users you shared it with and potentially the public at large, and may be accessible through third-party search engines. Accordingly, please take care when using these features. We are not responsible for how others use the information about you that you share with them through the Services.
- **Consent.** We may also disclose your information in other ways you direct us to and when we have your consent.
- **Aggregate/De-Identified Information.** We reserve the right to create Aggregate/De-Identified Data from the information we collect through the Services and our sharing of such Aggregate/De-Identified Data is in our discretion.

## Marketing Choices

You may instruct us not to use your contact information to contact you by email, postal mail, or phone regarding products, services, promotions and special events that might appeal to your interests by contacting us using the information below. In commercial email messages, you can also opt out by following the instructions located at the bottom of such emails. Please note that, regardless of your request, we may still use and share certain information as permitted by this Privacy Policy or as required by applicable law. For example, you may not opt out of certain operational emails, such as those reflecting our relationship or transactions with you.

## Third Party Services

We are not responsible for data privacy and security process and standards of any third parties, including physicians and other health care providers using the Services, the manufacturer of your mobile device and other IT hardware and software, and any other third party mobile application, website, or service to which our Services may contain a link. These third parties may at times gather information from or about you. We have no control over the privacy practices of these third parties. The collection, use, and disclosure of your information will be subject to the privacy policies of the third-party websites or services, and not this Privacy Policy. We urge you to read the privacy and security policies of these third parties.

If you visit healthcare professionals at an OB-GYN office or a fertility clinic in relation to or after our services, you are explicitly granting consent for us to share your health data, including lab results and other reports from third-party providers, with them, and vice versa.

## Protection of your Information

LEVY takes a variety of technical and organizational security measures to protect your information against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access. However, no

method of transmission over the Internet, and no means of electronic or physical storage, is absolutely secure. As such, you acknowledge and accept that we cannot guarantee the security of your information transmitted to, through, or on our Services or via the Internet and that any such transmission is at your own risk. Where we have given you (or where you have chosen) a password that enables you to access the Services, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. The information you share in public areas may be viewed by any user of the Services.

## Privacy Information for California Residents

If you are a California resident, California law requires us to provide you with some additional information regarding how we collect, use, and share your "personal information" (as defined in the California Consumer Privacy Act ("CCPA")).

**Categories of personal information we collect and disclose.** Throughout this Policy, we discuss in detail the specific pieces of personal information we collect from and about our users. Under the CCPA, we are also required to provide you with the "categories" of personal information we collect and the categories of third parties to which we disclose personal information. Please note that some of the information we collect through the Services (e.g., medical information), is subject to various health data privacy laws, and is therefore not subject to the CCPA. See the following chart to understand more about the categories of personal information we collect that are subject to the CCPA and the third parties to which we disclose it:

Category of Personal Information	Categories of Third Parties to Which we Disclose
Identifiers and contact information (e.g., name, address, email address, account names, government-issued IDs and numbers)	Service providers; our affiliates; health care providers and services; entities for legal and fraud prevention
Commercial and transactional information (e.g., information about your purchases)	Service providers; our affiliates; health care providers and services; entities for legal and fraud prevention
Financial information (e.g., credit card info collected by our payment processors)	Payment processors; service providers; our affiliates; entities for legal and fraud prevention
Internet or other network or device activity (e.g., IP address, browsing history, app usage)	Service providers; our affiliates; entities for legal and fraud prevention
Geolocation information (e.g., general location and precise location, with your permission)	Service providers; our affiliates; entities for legal and fraud prevention
Demographic and statistical data (e.g., your gender, interests based on products and services you use)	Service providers; our affiliates; entities for legal and fraud prevention
Physical characteristics (e.g., photos and videos of you)	Service providers; our affiliates
User-generated content (e.g., information you choose to post in our online forums)	Service providers; our affiliates; entities for legal and fraud prevention



Customer service data (e.g., information you provide through a chat or call with LEVY's Care Team)	Service providers; our affiliates; health care providers and services; entities for legal and fraud prevention
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The business purposes for which we use the personal information we collect are: manage, facilitate, and improve the Services; research, marketing, and analytics; communicate with users; technical support and customer service; security and fraud prevention; and legal compliance and defense. For more detailed information about how we use and share your personal information, please see the "Purposes for How We Use Your Information" and "How We Share and Disclose Your Information" sections of this Policy above.

### Your California Privacy Rights

CCPA Rights Disclosure. If you are a California resident, the CCPA allows you to make certain requests about your personal information. Specifically, the CCPA allows you to request us to:

- Inform you about the categories of personal information we collect or disclose about you; the categories of sources of such information; the business or commercial purpose for collecting your personal information; and the categories of third parties with whom we share/disclose personal information.
- Provide access to and/or a copy of certain information we hold about you.
- Delete certain information we have about you.

The CCPA further provides you with the right to not be discriminated against (as provided for in applicable law) for exercising your rights.

Please note that certain information may be exempt from such requests under California law. For example, we need certain information in order to provide the Services to you. We also will take reasonable steps to verify your identity before responding to a request.

If you are a California resident and you would like to exercise any of your data rights under California law, please email us at [hello@levy.health](mailto:hello@levy.health). Please include your full name, email address and residential address associated with your use of our Services, along with the rights you would like to exercise, so that we can process your request in an efficient manner.

**Sale of Personal Information.** The CCPA requires companies that "sell" (as defined in the CCPA) your personal information to provide you with notice and an opportunity to opt out. Like many companies with an internet presence, we do work with third parties that provide marketing and advertising services to us, including interest-based advertising services, and these third parties may place tags, pixels, cookies, beacons, and other similar tracking mechanisms on our Website and App and collect your online identifiers. Because of the CCPA's broad definitions of "sale" and "personal information," making certain online identifiers available to these companies so that they can provide marketing and advertising services to LEVY may be considered a "sale" under the CCPA. To opt out of sharing your information with participating third parties for interest-based advertising, please visit the [Network Advertising Initiative's Consumer Opt-Out link](#), the [Digital Advertising Alliance's Consumer Opt-Out link](#), or [Your Online Choices](#). Please note that these opt-outs are device and browser based, so you will need to opt out on each of your devices and browsers. For more information, see the Online Analytics and Advertising Section above.

We may also share information such as your email address with third-party advertising networks that use such information to better target advertising to you regarding LEVY products and services, as well as other products and services, as you browse the internet. This sharing may be considered a "sale" under the CCPA. [To opt out of the sale of your information under the CCPA as a California resident, please click here.](#)

**Shine the Light Disclosure.** The California "Shine the Light" law gives residents of California the right under certain circumstances to request information from us regarding the manner in which we share certain categories of personal information (as defined in the Shine the Light law) with third parties for their direct marketing purposes. We do not share your personal information with third parties for their own direct marketing purposes.

## Privacy Information for Nevada Residents

Under Nevada law, certain Nevada consumers may opt out of the sale of "personally identifiable information" for monetary consideration (as such terms are defined under Nevada law) to a person for that person to license or sell such information to additional persons. We do not engage in such activity; however, if you are a Nevada resident who has purchased services from us, you may submit a request to opt out of any potential future sales under Nevada law by [hello@levy.health](mailto:hello@levy.health). Please note we will take reasonable steps to verify your identity and the authenticity of the request. Once verified, we will maintain your request in the event our practices change.

## Retention of your Information

We keep your information for no longer than necessary for the purposes for which it is processed. The length of time for which we retain information depends on the purposes for which we collected and use it and/or as required to comply with applicable laws.

## Revisions

We reserve the right to change this Privacy Policy at any time to reflect changes in the law, our data collection and use practices, the features of our Services, or advances in technology. We will make the revised Privacy Policy accessible through the Services, so you should review it periodically. The date this Privacy Policy was last revised is identified at the top of the document. You are responsible for periodically monitoring and reviewing any updates to the Privacy Policy. If we make a material change to the Privacy Policy, we will provide you with appropriate notice in accordance with legal requirements. Your continued use of our Websites or Apps after such amendments (and notice, where applicable) will be deemed your acknowledgment of these changes to this Privacy Policy.

Effective date: 2023/09/21