

# CUE HEALTH INDIA PRIVACY POLICY

Updated June 30, 2021

## What Does Our Privacy Policy Include?

Cue Health Inc. (“**Cue**”, “**our**”, “**we**”, “**us**”) takes data privacy seriously and we are committed to keeping your personal information safe. We created this Privacy Policy to educate you on the measures we take to protect your personal information, on your rights to your personal information, and to be transparent with how we use and disclose the information you provide to us. If you do not understand any aspects of our Privacy Policy, please feel free to contact us as described at the end of this Privacy Policy. We may update this Privacy Policy from time to time by posting a new version online.

Our Privacy Policy focuses on the information you provide to us through our products, applications, and services (collectively, the “**Services**”). The Cue Health Mobile Application (the “**Cue Health App**”) is used to provide you with test instructions and to display the results obtained from the Cue Health Monitoring System used with a Cue Test Cartridge and a Cue Sample Wand for collection of the test specimen (collectively called a “**Cue Test**”).

As with our Cue Health Terms of Use, by creating an account on the Cue Health App, you are hereby expressly accepting, acknowledging, and consenting to the collection, storage, retention, processing, and transfer (outside your country) of your personal information, including sensitive personal data or information, in accordance with this Privacy Policy, or as otherwise permitted under applicable law. To the extent you are a consumer and have created a profile for someone other than yourself (an “**Authorizing Individual**”) on behalf of such person, such test subjects or for consumers, your spouse or a family member, you represent that such person has provided all necessary consents, acceptance and authorizations for undergoing testing and processing of their personal information, including their sensitive personal data or information entered by you on the Cue Health App, in the manner contemplated above, in accordance with this Privacy Policy and that you are authorized by such person to act on their behalf.

Our Policy focuses on Personal Information – information about you or Authorizing Individuals that is personally identifiable, such as contact information (e.g., name, address, email address and any other non-public information that is associated with such information (collectively, “**Personal Information**”) and health information (“**Health Information**”). When we use the term “**De-Identified Information**”, we mean information that is not individually identifiable, by virtue of personal identifiers specified under the Electronic Health Record Standards, 2016, having been removed from such information. Please read this policy carefully to understand what we do.

Our Cue Health App may also contain links to third party sites that are not owned or controlled by Cue. We are not responsible for the privacy practices of such other sites. Cue does not share Personal Information or Health Information with those other sites or services.

## What Information Do We Collect?

We collect two types of information: (1) information we receive from you about you or a test subject, or for consumers, an Authorizing Individual, and (2) information that we collect through your use of the Cue Health App.

**Information You Provide and Information We Collect:** You provide us information in several ways through our technology. Some of this information may be linked to you personally or to a test subject. This Privacy Policy applies to this and other information that you provide to us.

- **Your Account Information.** When you create an account, we ask you to enter your email address. When you set up a profile in your account for yourself or others, you must provide us with their names, birthdates, and state and postal code of residence. If you are a health care provider, you may also provide us with a medical record number or other patient identifier. When you use the Cue Health App to request information from us, contact customer support, or otherwise communicate with us, you provide additional information to us.
- **Your Cue Test Results.** When you use the Cue Health App, test results are generated. If you have an account, Cue Test Results may be stored under any profile that you have created under your account. In addition, the Cue Health App generates run time data (Cue Cartridge Reader Serial Number, Cue Cartridge Reader Status Data such as battery level, Cartridge Serial Number, and date and time of the Cue Test).
- **Device Information:** We collect technical information when you use the Cue Health App. This includes information such as the type of mobile device you use, your device operating characteristics, a unique device identifier, location information, and other information about your session on the Cue Health App.
- **Browsing Information:** We use technologies such as mobile device identifiers to collect information about your use of our Services. We use these tools to improve the quality of our service, including for storing user preferences, tracking user trends, and providing relevant advertising to you.
- **Geolocation Information:** When you create an account we ask your permission to obtain your geolocation information. You can always remove our access in your mobile device settings.

### **How Do We Use and Share Personal Information Or Health Information?**

We will protect Health Information in compliance with applicable laws.

We may use Personal Information or Health Information for the following purposes (subject to applicable legal restrictions):

- To provide you with the Services
- To communicate with you, provide you updates, respond to your requests, and provide customer support
- To improve and enhance our Services, including developing new products, features, and functionality
- To create De-Identified Data
- For other specific purposes that we provide you with notice of at the time the information is collected
- For compliance purposes, including enforcing our Terms of Use or other legal rights
- As required by public health authorities or other governmental agencies to fulfil our legal or regulatory obligations
- For security purposes to protect our Cue Health App and Services

We may share Personal Information and Health Information in limited circumstances (subject to applicable legal restrictions) as follows:

- To subcontractors, service providers and other third parties we use to support our business and who are bound by contractual obligations to keep Personal Information and Health Information confidential and use it only for the purposes for which we disclose it to them.
- To your health care provider, health care professional, health plan, employer's clinical team, health care benefits consultant, or benefits manager clinical team if your use of the Services is made available and paid for by such group.
- As required by law, which can include providing information as required by statute, regulation, subpoena, court order, legal process, or government request.
- To report, either directly or indirectly, to the United States Food and Drug Administration, the Indian Central Drugs Standard Control Organization or other regulatory bodies for adverse events related to medical device problems.
- To report to the United States Centers for Disease Control and Prevention, the Indian Council of Medical Research or other federal, state, or other government agencies or bodies as required for public health surveillance, public health response or related purposes.
- For a merger, sale, or other asset transfers in connection with a corporate transaction, in which we are acquired by or merge with another company.
- As otherwise authorized by law.

**De-Identified Information.** We may use and share De-Identified Information created by us without restriction, including to create aggregate data for research, product development or enhancement, or statistical analysis.

**Other Uses With Your Consent.** In addition to the sharing described elsewhere in this Policy, we will share Personal Information with companies, organizations, or individuals outside of Cue only when we have authorization to do so. If you choose and if you are a consumer, you may also email your Cue Test Results to your health care providers or other persons or entities. You may also authorize Cue to send your Test Results to your employer or others each time you take a test. For clarification, to the extent your health care provider, health care professional, health plan, employer's clinical team, health care benefits consultant, or benefits manager clinical team sponsors your use of the Services (i.e., the Services are paid for or made available by your health care provider, health plan, employer, etc.), by using the Services, you have authorized Cue to send your Test Results to such group.

**Children And Minors.** The Cue Health App is intended for adults who are at least age 18 or such older age as may be required by applicable state law. We do not knowingly collect or solicit any information from anyone under the age of 18 through our Services. If you are a healthcare provider, parent or legal guardian of a minor, you may include information about that person in your account. In the event that we learn that we have inadvertently collected personal information from a child under the age of 18 (or such older age of majority) without the consent of their parent or legal guardian, we will use reasonable efforts to quickly delete that information.

**For how long do we retain your information?**

We will retain and maintain your personal information, including health information, in our servers in accordance with our Retention Policy. We will delete your health information upon

completion of the purpose for which such information was collected, unless required or permitted to be to be retained by applicable law.

### **How Do You Access And Update Your Personal Information?**

You can access and update certain information we have relating to your account (email, profile information, and preferences) by signing into your account and going to the “My Account” section of our Cue Health App.

**Opt-Out and Withdrawal of Consent.** You may opt-out from providing consent for collection of your personal information, including sensitive personal data or information, however, as a result of the same, we may be unable to deliver to you our Services.

You may withdraw your consent for processing your personal information and health information by writing to our Grievance Officer at [privacy@cuehealth.com](mailto:privacy@cuehealth.com). We will delete or anonymize your information, in accordance with this Privacy Policy, pursuant to your withdrawal.

### **How Is Your Information Protected?**

We use industry standard physical, technical and administrative security measures and reasonable security practices and safeguards in compliance with applicable laws to protect the confidentiality and security of Personal Information and Health Information consistent and commensurate to the risk of our information assets. Our information security practices are aligned with the ISO/IEC/27001 standard. However, even with these safeguards, we cannot guarantee, ensure, or warrant the security of any information you transmit to us. There is no guarantee that information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards. It is your responsibility to protect the security of your login information. You should report any security violations or breaches to us by contacting us at [privacy@cuehealth.com](mailto:privacy@cuehealth.com) or by calling us at 833.CUE.TEST (833-283-8378).

### **Where Will Your Information Be Maintained?**

The Cue Health App is operated and managed on secure, cloud-based servers located and operated within the United States. By using and accessing our Services, you agree and consent to the transfer to and processing of Personal Information on servers located in the United States, even when you travel or submit your personal information from outside the United States. You recognize that your information will be protected in accordance with U.S. laws, which may be different than required under the laws of any location where you reside. We will require that the personal data is afforded at least the level of protection that we are subject to under applicable law where your data is collected.

### **How Will You Know If This Policy Changes?**

We may change this Privacy Policy from time to time in the future. We will post any revised version of the Privacy Policy on this page and at other places we deem appropriate. Continued use of our Services will indicate your acknowledgement of such changes and agreement to be bound by the terms and conditions of such changes.

### **How Can I Contact You If I Have Questions?**

If you have any questions, concerns, complaints, or suggestions regarding our Privacy Policy or otherwise need to contact us, please contact our Grievance Officer at [privacy@cuehealth.com](mailto:privacy@cuehealth.com), or call us at 833.CUE.TEST (833-283-8378), or by regular mail at:

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Attn: Legal Department