

Platform Privacy Policy

Effective and Last Updated Date: April 24, 2024

INTRODUCTION

Enovate Medical, LLC (“Enovate,” “we,” “our,” or “us”) respects the privacy of your information. This Platform Privacy Policy is designed to assist you in understanding how we collect, use, share, and safeguard your information. This Privacy Policy applies to individuals who use any of our software platforms (“Platform”) and services (“Services”). Enovate provides the Platform to its customers and end users (“Customers”), which subsequently will make the Platform available to its personnel. The personal data Enovate collects through your use of the Platform and as hosted on its infrastructure is processed by Enovate as a data processor acting on behalf of Customers (“Processor”). In order to safeguard your privacy Enovate enters into a data processing agreement with its Customers. More information may be available directly from the Customer which employs you.

In addition, Enovate may also be collecting and processing your personal data for the purpose of improving its Services, including the Platform. When performing those activities, Ergotron will be acting solely as a data controller (“Controller”) without the involvement of the Customer. This Privacy Policy addresses how Ergotron uses your Personal Information in these different frameworks.

From time to time, we may change this Privacy Policy. If we do, we will post an amended version on this webpage. Please review this Privacy Policy periodically.

This Privacy Policy covers the following topics:

- 1. PERSONAL DATA WE COLLECT**
- 2. HOW WE USE YOUR PERSONAL DATA**
- 3. HOW WE SHARE YOUR PERSONAL DATA**
- 4. SECURITY**
- 5. CHILDREN’S PRIVACY**
- 6. NOTICE TO NEVADA RESIDENTS**
- 7. NOTICE TO CALIFORNIA RESIDENTS**
- 8. ACCESSIBILITY**
- 9. HOW TO CONTACT US**

1. PERSONAL DATA WE COLLECT

We collect personal data from you through your use of the Platform and Services. Personal data is information that is linked or reasonably linkable to an identified or identifiable individual. We collect the following types of personal data:

Personal Data You Provide

Depending on how you interact with our Platform and Services, we will collect the following personal data for the following purposes:

- When acting on behalf of our Customers, as a Processor:

- *Register for the Platform and Services, Use the Platform and Services, or Request Support and Maintenance Services:* When you register for and use the Platform and Services, or request support or maintenance services, you may provide us with your name, organization name, organization address, email address, telephone number(s), job, title, site or campus name, care unit name, login/password to access the Platform, and use of the hardware to which the Platform is linked, including its geolocation.
- When acting as a Controller:
 - *Contact Us.* When you contact us, you may provide us with your contact information and any other information you choose to provide or leave in your message.

Personal Data as You Navigate Our Platform

We automatically collect certain personal data as a Controller, through your use of our Platform and Services, such as the following:

- *Technical Information.* For example, technical information related to the functioning of the Platform.
- *Hardware Information.* For example, hardware model and operating system.
- *Location Information.* Location information from the hardware to which the Platform is linked.

Personal Data We Collect About You from Other Sources

In some cases, we may receive personal data about you from other sources. This includes our Customers.

2. HOW WE USE YOUR PERSONAL DATA

In addition to the purposes stated above, we may use all the personal data we collect in accordance with applicable law such as to:

- Maintain and improve our Platform and Services;
- Protect the security and integrity of our Platform and Services;
- Investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, and to otherwise fulfill our legal obligations;
- Monitor compliance with and enforce this Privacy Policy and any applicable agreements and policies;
- Defend our legal rights and the rights of others;
- Fulfill any other purposes for which you provide it;

- For any purpose that is reasonably necessary to or compatible with the original purpose for which we collected the personal data as disclosed to you; and
- Comply with applicable law.

3. HOW WE SHARE YOUR PERSONAL DATA

We may share the personal data that we collect about you in the following ways:

- With our Customers;
- With vendors who perform data or Platform-related services on our behalf (e.g., hosting, maintenance, backup, analysis, etc.);
- To the extent that we are required to do so by law;
- In connection with any legal proceedings or prospective legal proceedings;
- To establish, exercise, or defend our or a third party's legal rights, including providing information to others for the purposes of fraud prevention;
- With any person who we reasonably believe may apply to a court or other competent authority for disclosure of that personal data where, in our reasonable opinion, such court or authority would be reasonably likely to order disclosure of that personal data;
- With any other person or entity as part of any business or asset sale, equity transaction, merger, acquisition, bankruptcy, liquidation, or similar proceeding, or in preparation for any of these events;
- With any other person or entity where you consent to the disclosure; and
- For any other purpose disclosed by us when you provide the personal data or for any other purpose we deem necessary, including to protect the health or safety of others.

4. SECURITY

We maintain commercially reasonable security measures to protect the personal data we collect and store from loss, misuse, destruction, or unauthorized access. However, no security measure or modality of data transmission over the Internet is 100% secure. Although we strive to use commercially acceptable means to protect your personal data, we cannot guarantee absolute security.

5. CHILDREN'S PRIVACY

The Platform and Services are not intended for children under 13 years of age. We do not knowingly collect, use or disclose personal data from children under 13.

6. NOTICE TO NEVADA RESIDENTS

Nevada law allows Nevada residents to opt out of the sale of certain types of personal information. Subject to several exceptions, Nevada law defines “sale” to mean the exchange of certain types of personal information for monetary consideration to another person. We do not currently sell personal information as defined in the Nevada law. However, if you are a Nevada resident, you still may submit a verified request to opt out of sales and we will record your instructions and incorporate them in the future if our policy changes. You may send opt-out requests to us at TS-CustomerService@enovatemedical.com.

7. NOTICE TO CALIFORNIA RESIDENTS

The California Consumer Privacy Act, as amended by the California Privacy Rights Act of 2020 (“CCPA”), requires that we provide California residents with a privacy policy that contains a comprehensive description of our online and offline practices regarding the collection, use, disclosure, sale, sharing, and retention of personal information and of the rights of California residents regarding their personal information. This section of the Privacy Policy is intended solely for, and is applicable only as to, California residents. If you are not a California resident, this section does not apply to you and you should not rely on it.

The CCPA defines “personal information” to mean information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California resident or household. Personal information does not include publicly available, deidentified or aggregated information or lawfully obtained, truthful information that is a matter of public concern. For purposes of this “**NOTICE TO CALIFORNIA RESIDENTS**” section we will refer to this information as “Personal Information.”

Your rights under the CCPA may be dependent upon the capacity in which we are acting. When acting on behalf of our Customers, we act as a “Service Provider” under the CCPA and our collection of Personal Information is done on behalf of our Customers. When acting on our own behalf, we act as a “Business” under the CCPA and our collection of Personal Information is done on our own behalf.

Notice at Collection of Personal Information

We currently collect and, in the 12 months prior to the effective date of this Privacy Policy, have collected the following categories of Personal Information:

- Identifiers (name, postal address, email address, account name)
- Personal information described in California’s Customer Records statute (California Civil Code § 1798.80(e)) (telephone number, education, employment, employment history)
- Geolocation data

We collect Personal Information directly from California residents and from our Customers. We do not collect all categories of Personal Information from each source.

In addition to the purposes stated above in the section “**HOW WE USE YOUR PERSONAL DATA**” we currently collect and have collected the above categories of Personal Information for the following business or commercial purposes:

- Helping to ensure security and integrity to the extent the use of your Personal Information is reasonably necessary and proportionate for these purposes

- Debugging to identify and repair errors that impair existing intended functionality
- Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information
- Undertaking internal research for technological development and demonstration
- Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us

Sale, Sharing, and Disclosure of Personal Information

In the 12 months preceding the Effective Date of this Policy, we disclosed all of the categories of Personal Information listed above to cloud service providers and our Customers for the business purposes listed above. We did not sell the Personal Information described above to any third parties in the 12 months preceding the Effective Date of this Policy.

We do not collect, sell, or share the Personal Information of consumers under 16 years of age. We do not use sensitive Personal Information for purposes other than those allowed by the CCPA and its regulations.

Retention of Personal Information

We retain your Personal Information for as long as necessary to fulfill the purposes for which we collect it, such as to provide you with the service you have requested, and for the purpose of satisfying any legal, accounting, contractual, or reporting requirements that apply to us.

Your Rights

If you are a California resident, you have the following rights with respect to your Personal Information:

- (1) The right to know what Personal Information we have collected about you, including the categories of Personal Information, the categories of sources from which we collected Personal Information, the business or commercial purpose for collecting, selling or sharing Personal Information (if applicable), the categories of third parties to whom we disclose Personal Information (if applicable), and the specific pieces of Personal Information we collected about you;
- (2) The right to delete Personal Information that we collected from you, subject to certain exceptions;
- (3) The right to correct inaccurate Personal Information that we maintain about you;
- (4) If we sell or share Personal Information, the right to opt out of the sale or sharing;
- (5) If we use or disclose sensitive Personal Information for purposes other than those allowed by the CCPA and its regulations, the right to limit our use or disclosure; and

- (6) The right not to receive discriminatory treatment by us for the exercise of privacy rights the CCPA confers.

How to Submit a Request to Know, Delete, and/or Correct

You may submit a request to know, delete and/or correct by emailing us at TS-CustomerService@enovatemedical.com or by calling us toll free at 1-888-909-8906.

If you are submitting a request on behalf of a California resident, please submit the request through one of the designated methods discussed above. After submitting the request, we will require additional information to verify your authority to act on behalf of the California resident.

Our Process for Verifying a Request to Know, Delete, and/or Correct

We will comply with your request upon verification of your identity and, to the extent applicable, the identity of the California resident on whose behalf you are making such request. We will verify your identity either to a “reasonable degree of certainty” or a “reasonably high degree of certainty” depending on the sensitivity of the Personal Information and the risk of harm to you by unauthorized disclosure, deletion, or correction as applicable. To do so, we will ask you to verify data points based on information we have in our records concerning you.

Shine the Light Law

We do not disclose personal information obtained through our Platform or Services to third parties for their direct marketing purposes. Accordingly, we have no obligations under California Civil Code § 1798.83.

8. ACCESSIBILITY

We are committed to ensuring this Policy is accessible to individuals with disabilities. If you wish to access this Policy in an alternative format, please contact us as described below.

9. HOW TO CONTACT US

To contact us for questions or concerns about the foregoing, please contact us at:

Enovate Medical, LLC
1152 Park Avenue
Murfreesboro, TN 37129
Phone: 1-(888)-909-8906