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Our Privacy Policy was last updated on August 18, 2022.

1. Forward

We, Commwell Research and Development Ltd. including any of our affiliates (collectively, “Commwell” or “we”), have created these General Privacy Policy & Terms of Service policies (respectively, the “Privacy Policy” and “Terms of Service” and collectively the “Terms”) in order to let You know what are the terms that govern Your use of Commwell’ application (the “Application”), and describe how we use and the way we protect the information that we collect as a result of Your use in the Application.

You, the user, may be a (i) patient with access to our Service as part of Your treatment (and if the patient is a minor or under the care of a lawful guardian – his legal guardian), or (ii) health care organization that has contracted with Commwell for the patient’s access to the Service, or caregiver working for such health care organization that has contracted with Commwell for the patient’s access to the Service (“You”).

Commwell’ Service provides advanced technology tools and solutions for patient generated health data management platform offered and provided by Commwell through its Website or Application (collectively the “Service”), subject to the Terms of Service detailed below, and allow You to share and store information that may be sensitive. Such information may become accessible to Commwell and such third parties as described in our Privacy Policy set forth below. Thus, we urge You to read the Terms herein carefully and make sure You understand clearly how Commwell may collect and use Your information.

By accessing the Service, You hereby provide Your consent to the Terms of Service as provided herein. If You do not agree to these Terms, You may not access or otherwise use any of the Services.

You may use the Service only if You have reached the age of eighteen (18) or the applicable legal age in Your jurisdiction and can form legally binding contracts under applicable law. If You are under 18 or the legal age in Your jurisdiction, or if You have a legal guardian, such guardian must agree to these Terms on Your behalf.

While using Commwell’ Service, Commwell may ask You to provide it with certain personally identifiable and other information that can be used to contact or identify You, in accordance with the terms provided herein, as well as other personal information You may provide us in

the course of using our Service, for example, Your email address, first and last name, address, phone number, location data and other usage data.

Protecting Your information and maintaining Your Privacy is very important to Commwell. For this reason, Commwell complies with the highest privacy standards, including the European Union's 2016/679 Directive General Data Protection Regulation ("GDPR") and the United States' healthcare-focused privacy law – The Health Insurance Portability and Accountability Act ("HIPAA"). To ensure we provide You with the highest standard of security measures, Commwell' Service runs on the trusted infrastructure of Microsoft Azure Cloud, and relies on Microsoft's security and privacy policy.

This Privacy Policy governs the privacy practices with respect to the collection, use and disclosure of personal information when You use our Service and the choices You have associated with such data.

This Privacy Policy describes Our policies and procedures on the collection, use and disclosure of Your information when You use the Service and tells You about Your privacy rights and how the law protects You.

We use Your Personal data to provide and improve the Service. By using the Service, You agree to the collection and use of information in accordance with this Privacy Policy.

2. Interpretation and Definitions

2.1. Interpretation

The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

2.2. Definitions

For the purposes of this Privacy Policy:

- **"Account"** means a unique account created for You to access our Service or parts of our Service.
- **"Company"** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to Commwell Research and Development Ltd. For the purpose of the GDPR, the Company is the Data Controller.
- **"Country"** refers to Israel.
- **"Cookies"** are small files that are placed on Your computer, mobile device or any other device by a website, containing the details of Your browsing history on that website among its many uses.

- **"Data Controller"**, for the purposes of the GDPR (General Data Protection Regulation), refers to the Company as the legal person which alone or jointly with others determines the purposes and means of the processing of Personal Data.
- **"Device"** means any device that can access the Service such as a computer, a cell phone or a digital tablet.
- **"Personal Data"** is any information that relates to an identified or identifiable individual.

For the purposes of GDPR, Personal Data means any information relating to You such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity.

- **"Service"** refers to the Website.
- **"Service Provider"** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analyzing how the Service is used. For the purpose of the GDPR, Service Providers are considered Data Processors.
- **"Usage Data"** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself (for example, the duration of a page visit).
- **"Website"** refers to Commwell Research and Development Ltd., accessible from <https://www.commwelmedical.com/>
- **"You"** means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.

Under GDPR (General Data Protection Regulation), You can be referred to as the Data Subject or as the User as you are the individual using the Service.

3. Collecting and Using Your Personal Data

3.1. Types of Data Collected

3.1.1 Creating An Account

When you create an account with us, you voluntarily provide us with your first and last names, a valid, accurate and current email address, a business name, if applicable, a username and a password of your choice. In addition, we may collect information or documents that you add or upload to the Health eCare for a healthcare provider. If you do not want us to store metadata associated with information or documents you upload, please make sure to remove the metadata before uploading. We will collect all personal information and any other information you provide.

We use Secure Socket Layer (SSL) communications on pages where you enter Personal information provided you are using an SSL enabled browser. An SSL connection encrypts your information as it travels over the internet. This secure mode is enabled before any personal information is transmitted from your computer or web-enabled device provided you are using an SSL-enabled browser. If you have any hesitation about providing personal information to us or the use of such personal information as permitted in this Policy, then you should not create an account with us nor use the Services.

3.1.2 Transactions & Communications with Us and Third Parties

We may collect and retain the details of transactions and communications you have with us, the details of charges and payments to your associated account transacted through us, the full content of any emails sent to us including attached files, the full content of inbox communications sent using our software, any feedback submitted to us, and other information you provide. We may ask you to submit additional information to authenticate your identity or if we have any concerns about activities on the Health eCare.

We may also track and retain the details of all transactions and communications you have with other users such as healthcare providers. In addition, Health eCare contains applications to enable you to connect to and from other networks and we may collect information about you and your business from such other networks.

3.1.3 Personal Data

While using Our Service, We may ask You to provide Us with certain personally identifiable information that can be used to contact or identify You. Personally identifiable information may include, but is not limited to:

- Email address
- First name and last name
- Phone number
- Address, State, Province, ZIP/Postal code, City
- Usage Data
- Your location
- Health or medical information including but not limited to:
 - information or records relating to your medical or health history
 - health status
 - laboratory testing results
 - diagnostic images
- Information or documents prepared by the healthcare providers who provide Services through Health eCare (including treatment and examination notes)
- Other health-related information and information otherwise submitted by you.

3.1.4 Feedback

If you provide us with feedback, we will collect that information and we may use it at our sole discretion or disclose it for any purpose we choose. Your personal information will not be

disclosed or associated with any feedback that we use or disclose. Your personal information will be treated in accordance with this Policy. You agree that any comments and any emails we receive immediately become our property subject to the terms of this Policy. We may use feedback to add to or modify the Services. Nothing in this Policy entitles you to a fee, royalty, commission, compensation or any consideration whatsoever for your feedback or for the content of any communications you submit to us including but not limited to ideas, comments, suggestions, recommendations, methods, processes, or the like whether in writing, verbal or otherwise.

3.1.5 Usage Data

Usage Data is collected automatically when using the Service.

Usage Data may include information such as Your Device's Internet Protocol address (e.g., IP address), browser type, browser version, the pages of our Service that You visit, the time and date of Your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When You access the Service by or through a mobile device, We may collect certain information automatically, including, but not limited to, the type of mobile device You use, Your mobile device unique ID, the IP address of Your mobile device, Your mobile operating system, the type of mobile Internet browser You use, unique device identifiers and other diagnostic data.

We may also collect information that Your browser sends whenever You visit our Service or when You access the Service by or through a mobile device.

3.1.6 Tracking Technologies and Cookies

We use Cookies and similar tracking technologies to track the activity on Our Service and store certain information. Tracking technologies used are beacons, tags, and scripts to collect and track information and to improve and analyze Our Service. The technologies We use may include:

- **Cookies or Browser Cookies.** A cookie is a small file placed on Your Device. You can instruct Your browser to refuse all Cookies or to indicate when a Cookie is being sent. However, if You do not accept Cookies, You may not be able to use some parts of our Service. Unless you have adjusted Your browser setting so that it will refuse Cookies, our Service may use Cookies.
- **Web Beacons.** Certain sections of our Service and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of a certain section and verifying system and server integrity).

For more information about the cookies We use and Your choices regarding cookies, please visit our Cookies Policy in Section 14

4. Use of Your Personal Data

The Company may use Personal Data for the following purposes:

- **To provide and maintain our Service**, including to monitor the usage of our Service.
- **To manage Your Account:** to manage Your registration as a user of the Service. The Personal Data You provide can give You access to different functionalities of the Service that are available to You as a registered user.
- **For the performance of a contract:** the development, compliance and undertaking of the purchase contract for the products, items or services You have purchased or of any other contract with Us through the Service.
- **To contact You:** To contact You by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's push notifications regarding updates or informative communications related to the functionalities, products or contracted services, including the security updates, when necessary or reasonable for their implementation.
- **To provide You with news**, special offers and general information about other goods, services and events which we offer that are similar to those that you have already purchased or enquired about unless You have opted not to receive such information.
- **To manage Your requests:** To attend and manage Your requests to Us.
- **For business transfers:** We may use Your information to evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Data held by Us about our Service users is among the assets transferred.
- **For other purposes:** We may use Your information for other purposes, such as data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns and to evaluate and improve our Service, products, services, marketing and your experience.

We may share Your personal information in the following situations:

- **With Service Providers:** We may share Your personal information with Service Providers to monitor and analyze the use of our Service, for payment processing, to contact You.
- **For business transfers:** We may share or transfer Your personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of Our business to another company.
- **With Affiliates:** We may share Your information with Our affiliates, in which case we will require those affiliates to honor this Privacy Policy. Affiliates include Our subsidiaries, joint venture partners or other companies that We control or that are under common control with Us.

- **With business partners:** We may share Your information with Our business partners to offer You certain products, services or promotions.
- **With other users:** when You share personal information or otherwise interact in the public areas with other users, such information may be viewed by all users and may be publicly distributed outside.
- **With Your consent:** We may disclose Your personal information for any other purpose with Your consent.

5. Retention of Your Personal Data

All Your information is stored via the Microsoft Azure Cloud. Your information may or may not be stored on your personal phone, depending on the specific configuration. You may delete and/or uninstall the application at your discretion, however, please note that even if you choose to do so, Your information shall not be automatically deleted and shall remain stored on the Microsoft Azure Cloud, unless we are instructed to delete such information by Your health organization or as otherwise required under the applicable law.

The Company will retain Your Personal Data only for as long as your account is active or as needed to provide our service. We will retain and use Your Personal Data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

Please note that Commwell will not retain Your data for longer than necessary for the purposes set out in this Privacy Policy. Different retention periods apply for different types of data, however the longest we would normally maintain Personal Information is ten (10) years.

When You send an email or other communication to us or any other correspondence that You have with us, we may retain those communications in order to process and respond to Your requests and improve our Service.

Please do not send us any communication which contains confidential or sensitive information, since we are unable to evaluate whether Your content constitutes as confidential or sensitive information, or not, and we may retain or use such communication as described above, and such retention or use shall not be deemed as a breach of any of our obligations pursuant to this Privacy Policy.

The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of Our Service, or We are legally obligated to retain this data for longer time periods.

6. Transfer of Your Personal Data

Your information, including Personal Data, is processed at the Company's operating offices and in any other places where the parties involved in the processing are located. It means that this information may be transferred to — and maintained on — computers located outside of Your state, province, country or other governmental jurisdiction where the data protection laws may differ than those from Your jurisdiction.

Your consent to this Privacy Policy followed by Your submission of such information represents Your agreement to that transfer.

The Company will take all steps reasonably necessary to ensure that Your data is treated securely and in accordance with this Privacy Policy and no transfer of Your Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of Your data and other personal information.

7. Disclosure of Your Personal Data

7.1. Business Transactions

If the Company is involved in a merger, acquisition or asset sale, Your Personal Data may be transferred. We will provide notice before Your Personal Data is transferred and becomes subject to a different Privacy Policy.

7.2. Law enforcement

Under certain circumstances, the Company may be required to disclose Your Personal Data if required to do so by law or in response to valid requests by public authorities (e.g., a court or a government agency).

7.3. Other legal requirements

The Company may disclose Your Personal Data in the good faith belief that such action is necessary to:

- Comply with a legal obligation
- Protect and defend the rights or property of the Company
- Prevent or investigate possible wrongdoing in connection with the Service
- Protect the personal safety of Users of the Service or the public
- Protect against legal liability

8. Security of Your Personal Data

The security of Your Personal Data is important to Us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While We strive

to use commercially acceptable means to protect Your Personal Data, We cannot guarantee its absolute security.

9. GDPR Privacy Policy

9.1. Legal Basis for Processing Personal Data under GDPR

We may process Personal Data under the following conditions:

- **Consent:** You have given Your consent for processing Personal Data for one or more specific purposes.
- **Performance of a contract:** Provision of Personal Data is necessary for the performance of an agreement with You and/or for any pre-contractual obligations thereof.
- **Legal obligations:** Processing Personal Data is necessary for compliance with a legal obligation to which the Company is subject.
- **Vital interests:** Processing Personal Data is necessary in order to protect Your vital interests or of another natural person.
- **Public interests:** Processing Personal Data is related to a task that is carried out in the public interest or in the exercise of official authority vested in the Company.
- **Legitimate interests:** Processing Personal Data is necessary for the purposes of the legitimate interests pursued by the Company.

In any case, the Company will gladly help to clarify the specific legal basis that applies to the processing, and in particular whether the provision of Personal Data is a statutory or contractual requirement, or a requirement necessary to enter into a contract.

10. Your Rights under the GDPR

The Company undertakes to respect the confidentiality of Your Personal Data and to guarantee You can exercise Your rights.

You have the right under this Privacy Policy to:

- **Request access to Your Personal Data.** The right to access, update or delete the information We have on You. Whenever made possible, you can access, update or request deletion of Your Personal Data directly within Your account settings section. If you are unable to perform these actions yourself, please contact Us to assist You. This also enables You to receive a copy of the Personal Data We hold about You.
- **Request correction of the Personal Data that We hold about You.** You have the right to have any incomplete or inaccurate information We hold about You corrected.
- **Object to processing of Your Personal Data.** This right exists where We are relying on a legitimate interest as the legal basis for Our processing and there is something about Your particular situation, which makes You want to object to our processing of Your

Personal Data on this ground. You also have the right to object where We are processing Your Personal Data for direct marketing purposes.

- **Request erasure of Your Personal Data.** You have the right to ask Us to delete or remove Personal Data when there is no good reason for Us to continue processing it.
- **Request the transfer of Your Personal Data.** We will provide to You, or to a third-party You have chosen, Your Personal Data in a structured, commonly used, machine-readable format. Please note that this right only applies to automated information which You initially provided consent for Us to use or where We used the information to perform a contract with You.
- **Request to prevent marketing.** You have the right to prevent use of personal information for marketing.
- **Withdraw Your consent.** You have the right to withdraw Your consent on using your Personal Data. If You withdraw Your consent, We may not be able to provide You with access to certain specific functionalities of the Service.

10.1. Exercising of Your GDPR Data Protection Rights

You may exercise Your rights of access, rectification, cancellation and opposition by contacting Us. Please note that we may ask You to verify Your identity before responding to such requests. If You make a request, We will try our best to respond to You as soon as possible.

You have the right to complain to a Data Protection Authority about Our collection and use of Your Personal Data. For more information, if You are in the European Economic Area (EEA), please contact Your local data protection authority in the EEA.

11. Children's Privacy

Our Service does not address anyone under the age of 18. We do not knowingly collect personally identifiable information from anyone under the age of 18. If You are a parent or guardian and You are aware that Your child has provided Us with Personal Data, please contact Us. If We become aware that We have collected Personal Data from anyone under the age of 18 without verification of parental consent, We take steps to remove that information from Our servers.

If We need to rely on consent as a legal basis for processing Your information and Your country requires consent from a parent, We may require Your parent's consent before We collect and use that information.

12. Links to Other Websites

Our Service may contain links to other websites that are not operated by Us. If You click on a third party link, You will be directed to that third party's site. We strongly advise You to review the Privacy Policy of every site You visit.

We have no control over and assume no responsibility for the content, privacy policies or practices of any third party sites or services.

13. Changes to this Privacy Policy

We may update Our Privacy Policy from time to time. We will notify You of any changes by posting the new Privacy Policy on this page.

We will let You know via email and/or a prominent notice on Our Service, prior to the change becoming effective and update the "Last updated" date at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

14. Cookies Policy

This Cookies Policy explains what Cookies are and how We use them. You should read this policy so You can understand what type of cookies We use, or the information We collect using Cookies and how that information is used.

Cookies do not typically contain any information that personally identifies a user, but personal information that we store about You may be linked to the information stored in and obtained from Cookies.

We do not store sensitive personal information, such as mailing addresses, account passwords, etc. in the Cookies We use.

14.1. Type of Cookies We Use

Cookies can be "Persistent" or "Session" Cookies. Persistent Cookies remain on your personal computer or mobile device when You go offline, while Session Cookies are deleted as soon as You close your web browser.

We use both session and persistent Cookies for the purposes set out below:

- Necessary / Essential Cookies

Type: Session Cookies

Administered by: Us

Purpose: These Cookies are essential to provide You with services available through the Website and to enable You to use some of its features. They help to authenticate users and prevent fraudulent use of user accounts. Without these Cookies, the services that You have asked for cannot be provided, and We only use these Cookies to provide You with those services.

- Cookies Policy / Notice Acceptance Cookies
Type: Persistent Cookies
Administered by: Us
Purpose: These Cookies identify if users have accepted the use of cookies on the Website.

- Functionality Cookies
Type: Persistent Cookies
Administered by: Us
Purpose: These Cookies allow us to remember choices You make when You use the Website, such as remembering your login details or language preference. The purpose of these Cookies is to provide You with a more personal experience and to avoid You having to re-enter your preferences every time You use the Website.

- Tracking and Performance Cookies
Type: Persistent Cookies
Administered by: Third-Parties
Purpose: These Cookies are used to track information about traffic to the Website and how users use the Website. The information gathered via these Cookies may directly or indirectly identify you as an individual visitor. This is because the information collected is typically linked to a pseudonymous identifier associated with the device you use to access the Website. We may also use these Cookies to test new advertisements, pages, features or new functionality of the Website to see how our users react to them.

14.2. Your Choices Regarding Cookies

If You prefer to avoid the use of Cookies on the Website, first You must disable the use of Cookies in your browser and then delete the Cookies saved in your browser associated with this website. You may use this option for preventing the use of Cookies at any time.

If You do not accept Our Cookies, You may experience some inconvenience in your use of the Website and some features may not function properly.

If You'd like to delete Cookies or instruct your web browser to delete or refuse Cookies, please visit the help pages of your web browser.

For the Chrome web browser, please visit this page from Google:
<https://support.google.com/accounts/answer/32050>

For the Internet Explorer web browser, please visit this page from Microsoft:
<http://support.microsoft.com/kb/278835>

For the Firefox web browser, please visit this page from Mozilla:

<https://support.mozilla.org/en-US/kb/delete-cookies-remove-info-websites-stored>

For the Safari web browser, please visit this page from Apple:

<https://support.apple.com/guide/safari/manage-cookies-and-website-data-sfri11471/mac>

For any other web browser, please visit your web browser's official web pages.

15. Representation for data subjects in the EU

We value your privacy and your rights as a data subject and have therefore appointed Prighter Group with its local partners as our privacy representative and your point of contact.

Prighter gives you an easy way to exercise your privacy-related rights (e.g. requests to access or erase personal data). If you want to contact us via our representative, Prighter or make use of your data subject rights, please visit the following website <https://prighter.com/q/18550429002>

16. Contact Us

If you have any questions about this Privacy Policy, You can contact us:

- By visiting this page on our website: <https://www.commwellmedical.com/>
- By sending us an email: info@commwellmedical.com
- By phone: +972 9 7668094